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JOURNALS OF THE HOUSE OF REPRESENTATIVES
OF MASSACHUSETTS

VOLUME V

Committee of Publication

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HENRY CABOT LODGE
WILLIAM BRADFORD HOMER DOWSE
WORTHINGTON CHAUNCEY FORD

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JOURNALS

of the
House of Representatives
of Massachusetts

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Introduction

THE war against the Indians, declared by the General Court of 1722–23, progressed slowly, though the colonists had demolished the fort and all buildings of the rebel Indians on the Penobscot.¹ Such continued to be the daring of the attacks on outlying settlements that a proposed reduction of the forces of the Province on the frontiers and abandoning of block-houses was suspended or received so coldly as to be set aside. The Indian hostilities culminated in the outrage at Rutland and the murder of Rev. Mr. Willard.² New scouting parties were formed and orders placing the militia in readiness went out from the Lieutenant Governor to the colonies of the regiments on the frontiers.³ Even at such a time there passed an exchange of courtesies between the Lieutenant Governor and the House of Representatives. Dummer intimated that the House had provided for a double allowance of scouts in two resolutions, one of which had never been submitted to him. He expressed a willingness to provide the men if the House would appropriate their pay and subsistence.⁴ The House explained the apparent contradiction and hinted that, as the Council had not passed on the vote which had reached them, they were “humbly of Opinion that the Message from His Honour is altogether out of Course.”⁵ In fact the House did call for more than double the number of scouts originally intended, and the Lieutenant Governor took pains to lay down the principle that “my Care for the Defence of the Province, either before or after a Vote, may not be said to be out of Course.”⁶

Under a vote passed by the General Court of 1722–23 four commissioners had been appointed to treat with the Five Nations at Albany — William Tailer and Spencer Phipps of the Council, Elisha Cooke and John Stoddard of the House. Instructions were given to them and among them was a wish to engage the Maquois against the Eastern Indians; but when the commissioners met the Indian delegates in May they learned that the Maquois would not engage with the English until they (the Maquois) had exerted their influence on the rebel Indians to make all proper submission for their late hostilities. The instructions did not cover such a contingency, correct and enlightened as it was, and the General Court, on June 1, directed that the proposition be received from the Indians and sent to the Court for consideration.⁷ No further action seems to have been taken on the Indians’ proposal and the Commissioners, returning to Boston, submitted a journal of their proceedings.⁸ The Maquois and their associates, making the Six Nations in all, were desirous to come to Boston and negotiate on behalf of the Eastern Indians. The unwillingness of the House to have articles of peace concluded during a recess, interfered with that design.⁹

At the second session, in August, the Lieutenant Governor called attention to the approaching visit to Boston of delegates from the Six Nations to enter into a

¹ 7. ² 123, 126. ³ 132. ⁴ 145. ⁵ 149. ⁶ 151. ⁷ 11. ⁸ 32, 33. ⁹ 51, 52, 62.

treaty, as a matter of importance. That the best advice should be had Colonel Peter or Colonel John Schuyler was requested to attend the conference at Boston, for New York was concerned in maintaining a strict control over its Indians. Possibly the Maquois had already made some advance to the Eastern Indians towards peace, for proposals to that end by the latter through the governor of Canada were received on August 13 at the hands of Alexander Hamilton, lately returned from captivity among the Eastern Indians.¹ The reception given to the Eight Nations, for so they are termed in the records, the conferences with the General Court and the results in promises and assurances are fully detailed in the *Journal* in characteristic fashion.² In entering into any agreements with the Six Nations the Province assumed responsibilities that must be considered in future measures, either of peace or of war. The Lieutenant Governor in November objected to evacuating the frontier forts "inasmuch as it tends to inspire and hearten the Enemy, and will probably give Umbrage to the Six Nations in Confederacy with us, to whom it concerns us (as we have hitherto done) to give all proper Encouragement."³ Yet the negotiations did not result in what had been expected and in April, 1724, the Lieutenant Governor called attention to the delay of the Five Nations to give assistance and proposed new measures to engage their coöperation.⁴

An overeagerness to assist the Lieutenant Governor by the House led to an edifying incident. On September 12, 1723, the House proposed the appointment of a committee who should meet at intervals during the recess of the Court to frame projects or designs on the prosecution of the war, and to lay them before the Lieutenant Governor for his approval and speedy execution. The House claimed that such an aid to the executive was intimated to be desirable in Dummer's speech at the opening of the session.⁵ The Council, unable to find such a recommendation in the speech, requested the House to indicate where it could be found.⁶ The answer of the House seems somewhat inconclusive, for it referred the Council to the first part of the Lieutenant Governor's speech — "inasmuch as a Treaty with the Eastern Indians necessarily affects War or Peace."⁷ As Dummer had merely said that he had called the General Court "only for your Advice in the intended Treaty to be had with the Eastern Indians," it is difficult to see how so mild a phrase could be made to support and include a wish for an advisory committee, possibly restraining and interfering, during recess.

A result of the experience in border fighting and in home garrisons was new establishments for the force at Castle William and for the general troops of the Province. The measure relating to Castle William was carried and held out the needed encouragement for men to engage, but the House coupled their agreement

¹ 113.

² 197 *et seq.* It is somewhat strange that these detailed accounts of the various meetings were not issued in separate form.

³ 222.

⁴ 327.

⁵ 180.

⁶ 181.

⁷ 182.

with a desire that the Governor dismiss John Gray, the then lieutenant of the Castle, for his frequent absence and great negligence, which had discouraged enlistments.¹ Captain Gray had seen service to the eastward and the Lieutenant Governor and Council did not think it proper to apply so drastic a proposal as dismissal, which would disable him from serving the King "either here or elsewhere for the future."² It was of opinion that he might be severely admonished, and reprimanded, and warned that future negligence in his duties would incur dismissal. The House would not accept this milder form of punishment and voted that Captain Gray should be no longer continued in his post at Castle William, and the Council so far yielded as to promise dismissal if the resolution was so changed as not to impose disability to serve in the future.³ This difference delayed the passage of the bill for reorganizing the garrison until September 20.⁴ The new establishment for the troopers was adopted in November.⁵ A bounty for long service received the endorsement of the Lieutenant Governor and Council, but the House altered it into an exchange, when a soldier was likely to suffer by remaining in service for a longer term than two years.⁶ Perhaps the offer of payment for scalps may be considered as belonging to the measures for encouraging service against the Indians.⁷

The difficulties, to use no stronger term, over the muster-rolls seem to be overcome by the examination of each roll in a committee formed for that purpose.⁸ If some of the more obvious errors were corrected in the process, others slipped by, it was said, and much valuable time of the House wasted. The absence of criticism and rejected items in the accounts marked an improvement over the findings of the General Court of the previous year.

Two questions of some importance remain to be considered: one, the supply of the treasury, that struggle recurring each year for control over ways and means; and the other, the memorial presented to the King by Governor Shute, whose conduct in office and sudden departure from the Province in December, 1722, had given rise to forebodings of coming trouble in the General Court.

The tax measure was submitted early in the session, on June 21, and occasioned the usual dispute, because the House sought to exercise a more rigid control over the payments of public money. In strictly enjoining the treasurer from paying money on any warrant drawn by the Governor and Council, "unless such Warrant expressly mention out of which Appropriated Sum the same is to be paid," the House more than intimated that payments had been made on warrants improperly drawn, or charged to appropriations other than the proper one. When the Council failed to act upon the bill containing this injunction, the House voted to defer the consideration of the matter to the next session, and to print the votes and articles of grievance that the towns might know what had

¹ 53, 106.² 170.³ 164, 165.⁴ 186, 209.⁵ 244.⁶ 285, 301.⁷ 183, 185, 195, 215.⁸ 46.

been done.¹ The Council thought such postponement would be “extreamly prejudicial to the Interest and Safety of this Province, especially in this Time of War,” and offered to agree with the House in any measure “so far as shall appear to them practicable and consistent with their Duty & Trust, and most agreeable to the Charter, and the true Interest of the Province.” It also expressed surprise that the House should do what had a direct tendency to “create and keep up a Misunderstanding between the Council and House of Representatives, and to Misrepresent the Members of the Council to the People of the Province, and to subvert the very Foundations of Government,” and proposed a conference.²

The House greatly resented the expressions in the message of the Council, asserted they had passed a proper measure for supply of the treasury, in which they had imposed only such restrictions and limitations as the experience of the last year had shown to be advisable. They claimed that payments had been made no ways conformable to the resolve of the Court, and some, even after payment had been denied. They refused to come into conference, but passed a resolution of supply in another form. The new form did not satisfy the Council, and the amendments proposed were promptly rejected by the House. To appropriate money for the needs of the Province and to leave its disposition entirely to the Governor and Council, did not comport with the trust imposed in the House by the people.³ The Council could not rest under the imputation and made a spirited reply, claiming that it was the “dishonourable Restrictions made now and of late by the House” that perplexed the accounts, brought the government into difficulty and laid the foundation for what the House termed grievances, and showing feeling at the groundless jealousy and suspicion of the Council’s fidelity expressed in the recent votes of the House. It urged a return to the long experienced methods of emissions and drafts on the Treasury, which had proved much for the service and advantage of the government, and called attention to the fact that no ill results could follow as near the whole of the proposed emission will be necessarily applied to meet the grants of the existing Court and the public debt already contracted. The House took the hint and passed a new resolution, July 2, restricting the application of the money to grants, etc., established by law or already allowed, or should be allowed, by the Court. The objectionable provisos or restrictions were omitted and the bill received the approval of the Lieutenant Governor and Council.⁴

On that day, July 2, Dummer prorogued the General Court to meet August 7. In the interval the House compiled their own defence, and printed their resolutions for the supply of the Treasury of June 13, which had been omitted from the printed *Journals*, of June 27, which had been included, and the same as amended by the Council, which had not hitherto been made public, although in the usual form of the printed journal the publication is separately paged. The

¹ 62.² 68.³ 69, 74, 76.⁴ 82, 84.

Council took no public notice of this statement and the relations between the two bodies seemed to be harmonious when the General Court met in its second session. The outward calm was broken by the House early in September, on learning that the Council had passed and caused to be paid certain accounts of the commissioners sent to Albany while they were under consideration by a committee of the House. Not only did they believe that the wholesome rules and directions prescribed in the recent act for supplying the treasury had been defeated, but they pointed out that a balance of grant still remained in the hands of the commissioners and for which they should account.¹ A few days later, September 12, a resolution was passed making the treasurer of the Province responsible for any money paid out contrary or not conformable to the rules and directions already agreed upon.

The consideration given to Governor Shute's memorial against the House of Representatives and the matter of agents crowded out other subjects and it was not until November 20 that a committee was named to prepare a new report on supplying the treasury. On December 12 the bill was laid before the House ² and with features not acceptable to the Council, who saw in it provisions intended to hamper its action. The point was made that to impose upon the General Court the examination of every account and muster-roll would prolong the sessions at great cost to the public and the members. The practice, newly introduced, of examining every account by the whole Court left more than it saved. To restrict so severely the expenditures by the Council would disable the service and impose a restriction "not known to be imposed on any Government whatsoever, and so mean and dishonourable in itself, that the Board cannot but take it very unkindly the House should offer it to them."³ Such reasoning did not shake the position of the House who could plead that their care over the expenditure of the public money pleased their principals, that is, the people. The House did not imply or intend distrust or jealousy of the Council and they asked the Council to set aside its objections and accept the form of bill favored by the House.⁴ Naturally the Council refused to concur. Recalling the measure, the House modified the language, omitting some of the objectionable phrases, but still retaining enough to secure its rejection by the Council.⁵ It would be of little use to follow this dispute in this place in detail, which each year came forward with new features, representing the struggle over the control of the purse, so important to the liberty of the subject. On December 23 the House again adopted a bill and again the Council amended it to its destruction, but not without an interchange of views on the language employed.⁶ In this the Council enjoyed an advantage. A conference followed, new resolutions were exchanged almost daily, with various amendments. A prorogation of the Court did not cool the ardor of dispute and the April session was summoned for the special purpose of passing a supply bill. The Council laid a

¹ 173.² 241, 281.³ 289.⁴ 294.⁵ 304, 305, 310.⁶ 313, 316, 318.

charge of misspending public money, thus countering in its own position, and also laid before the House its opinion on the injunction laid upon the treasurer in the previous June. Unwilling to rest under the imputations contained in these messages the House stated their case in as strong language as could be used and the General Court was dissolved.¹

Meanwhile Governor Shute had written of his gracious reception at the Court of the King and of his intention to return to Massachusetts in the autumn,² but he had also done what could not commend him to the representatives of Massachusetts-Bay. In a memorial to the King he had summarized his grievances against the House of Representatives, charging them with encroaching on the powers of the governor, violating the King's prerogative and seeking to assume functions not given to them by the Charter of the Province. This memorial, laid before the House of Representatives by its agent on the opening day of the third session, October 23, 1723, was at once considered in a Committee of the Whole House. For two days the document was under examination and a committee of moment, as shown by the membership, was named to prepare a humble address to the King in answer to the memorial, "in order to set that Matter in its true Light, and to justify the proceedings of the House."³ One hundred pounds sterling were appropriated to meet the expenses of the London agent, but the Council promptly intervened, and the Governor adjourned the General Court for ten days.⁴

On reassembling the heat raised by the Governor's memorial showed no decrease. To instruct new members the memorial was read and on the following day, November 6, the committee reported its reply which was laid on the table.⁵ On the same day a message from the Council announced the appointment of a committee on the "present State of the Publick Affairs of the Province, at the Court of Great Britain, respecting the Constitution of the Government," to join with such members as the House should name in drawing up a humble address to the King.⁶ The distinction was important, for the Council made no mention of Governor Shute or his memorial. The House, however, was not to be diverted from their purpose, and informed the Council that their answer to Shute would be completed and laid before it for its perusal, and after that the House would join with the Council in an address to the King. The House gave two days to the answer and one day to the address, but another day passed before the Council was invited to join in the address and still another before the invitation and the perfected answer and address were sent to the Council.⁷ Without waiting for a reply to this evident intention to forestall objection or modification by the Council the House voted to send from Massachusetts one or more suitable persons to London "to defend our Constitution and Charter Privileges." The Council was asked to concur.⁸ The House could hardly have expected immediate

¹ 328.² 8.³ 218.⁴ 221.⁵ 222.⁶ 224.⁷ 228.⁸ 229.

acquiescence or full concurrence and pressed for a reply. When given, the answer showed no signs of haste and could in no sense please the House, eager to push their advantage in having first occupied the field. The Council stated that "in Faithfulness to the Province, and a tender regard to the House of Representatives" it was of opinion: "That their Answer is not likely to Recommend this Government and People to the Grace and Favour of His Majesty, but on the contrary has a Tendency to render us obnoxious to the Royal Displeasure." Not resting with so sweeping a criticism it proceeded to name Jeremiah Dummer as the most fit agent for serving as agent.¹ The old dispute on Dummer again came forward but at a time when the House showed a conciliatory feeling. They accepted the suggestion on Dummer. Asked to specify the particulars in the papers submitted having the tendency noted, the Council politely declined to descend to particulars, as it had no share in the paper prepared by the House and believed that in the present circumstances "some better method might be taken than an absolute Justification."² Abandoning their conciliatory attitude the House recalled their acceptance of Dummer, again voted for agents of their own, one to be sent from Massachusetts, laid on the table an address to the King prepared by the Council and directed that their papers be signed and at once sent to London.³ The difference between the two bodies seemed to be beyond settlement.

After almost a week's delay the Council voted to have a person from the Province to be associated with Dummer in meeting the charges of Governor Shute and the House, without passing upon the question of the agent, proposed a joint committee to prepare instructions to the agents, and also voted three hundred pounds sterling to the Speaker, to be employed as the House should direct "for their necessary Defence, and prolonging our CHARTER Privileges."⁴ Two weeks passed before the instructions came from the committee, but the Council remained firm on the agent to be named,⁵ and the House adopted a resolution expressed in terms that marked a sense of the importance of the subject, desiring action by the Council, lest delay prove of fatal consequence to the whole Province and repentance come when too late.⁶ As to the need of a defense the Council agreed with the House, but it had regard for the reputation of Governor Shute and convinced that an agent for the whole Court could accomplish more than an agent for the House alone. It therefore proposed that all arrears due to Jeremiah Dummer be discharged and a person be selected to be joined with Dummer in the matter of Shute's charges and the charter questions raised by them.⁷

The House made such a selection on the day after receiving the message from the Council and Elisha Cooke received the major part of the votes.⁸ The Council suggested that the most convenient and proper way would be by a joint vote of both Houses, as the officers of government usually were chosen, and as the last agent was named.⁹ After a show of obstinacy the House agreed, again chose

¹ 233. ² 236. ³ 237, 238. ⁴ 246, 248, 249. ⁵ 264. ⁶ 270. ⁷ 278. ⁸ 280. ⁹ 281.

Cooke and the Council also voted for him, thus closing in form a difference that had extended over weeks and engrossed the attention of both Houses to an extent not justified by its merits.¹ The agreement was in form only, for the House on December 19 authorized and empowered Elisha Cooke to appear before the King's Council in conjunction—not with Jeremiah Dummer—but with Anthony Sanderson, to justify the conduct of the House and endeavor to secure a continuance of the Charter privileges enjoyed by the people.² Money was appropriated for Cooke and Dummer and Cooke and Sanderson, and it was Cooke and Sanderson who applied for a hearing before the King in Council.³

The Memorial presented by Governor Shute is printed in *Historical Collections Relating to the American Colonial Church*, III. 121. Of two papers connected with it, one, a report by the Commissioners of Trade and Plantations, September 3, 1723, on the Memorial, will be printed from a copy in the State Archives in the *Proceedings* of the Massachusetts Historical Society, volume LVII. The second paper is the report of the King's Council on Shute's memorial, which was not made until June 1, 1725, when interest in the dispute had passed and new questions raised. This report is also in the State Archives, but it is printed in *Acts of the Privy Council of England*, Colonial Series, 1720–1745, 93.

The Two French gentlemen from Canada, messengers from Vaudreuil, were MM. La Rond and de la Geste, described by Vaudreuil as "officers of the King and men of consideration." Their visit gave rise to the following petition to the King, printed from a copy in the State Archives.

To the Kings most Excellent Majesty.

The Humble Memorial of the Lieutenant Governour Council and Representatives of the Province of the Massachusetts Bay in New England in General Court Assembled
Most Humbly Sheweth

That Your Majestys Government of this Province after much and long bearing with the Hostilities of the Indians Inhabiting the Eastern parts of this Province and towards Nova Scotia, found themselves at length under a Necessity of Proclaiming the said Eastern Indians Rebels, Traitors and Enemies to your Majesty; and accordingly in the Month of July 1722 Issued out a Declaration of War against the Said Indians, a Copy whereof is herewith offered and humbly referred to. In the prosecution of this War Your Majestys Government here, Considering the Strict Alliance between Your Majesty and the French King, Justly expected the Friendship, or at least the Neutrality of the French Government of Canada; And for that purpose even before the War began, tho' under the Expectation of it, Your Majestys Governour of this Province by a Letter Express'd for that purpose

¹ 289.

² 301.

³ 326.

acquainted Monsieur Vaudreuil the French Governour of Canada with the Barbarous Insults of the Eastern Indians, earnestly pressing his Friendship to this Government on that Occasion, agreeable to the Treaty of Utrecht, more especially the Twelfth and Fifteenth Articles thereof: But to the Great Surprize of Your Majestys Government and as they conceive Contrary to the Said Treaty of Utrecht the Said French Governour not only Encouraged and Supplied the Said Indians but also Rewarded them for their Invading and Insulting Your Majestys Good Subjects Inhabiting the Frontiers, more especially in their Hostile Appearance at George Town on the Island of Arowsick in the Year 1721, when the Said Indians were headed by a French Officer, accompanied with Two French Jesuits; the Truth and Particulars whereof will Appear by a Letter under the Said Monsieur Vaudreuil's own hand, as also of Monsieur Bygon [Bigon] the Intendant General of Canada, which were happily taken at one of the Indian Villages, and in the Lodgings of the French Jesuit; Authentick Copys of which Letters were Sometime Since Transmitted to One of Your Majestys Principal Secretaries of State, and the Translation is now also Humbly laid before Your Majesty. This Conduct of the s'd French Governour was so very unaccountable that Your Majestys Government of this Province, thought it proper to Send him a Second Letter by way of Remonstrance, upon that Occasion. In Answer to which the Said French Governour had the Assurance by Letters to this Government in express Terms to Say, That he had Such orders from his Master that would Justify Him in every Step that he had taken in that Affair, particularly in Supplying the Said Indians with Arms and Ammunition, Defying any Complaint that should be made against him upon that Accompt: And in a Letter which Your Majestys Lieutenant Governour very lately received from the Said French Govern'r by Two French Officers that came Express from Canada, he declares himself in Stronger Terms yet, That sooner or later he shall be obliged to Engage in their Quarrel, and to Confirm it he do's upon all occasions very much Encourage the Indian Enemy, when they bring into Canada any of the Scalps of Your Majestys Good Subjects Slain by them; Besides which when ever this Government have been Endeavouring by Messages and Treatys to bring the Said Eastern Indians to a due Sense of their Injustice and Barbaritys in a proper Submission to Your Majestys Government; that so we and they might live in peace, the Said French Governour has advised them to the Contrary and by his Arts and Influence has hitherto prevented it, and very much by Employing and Encouraging of Jesuits among them, and a few months Since the Said French Governour has Armd and Excited a great Number of the Canada Indians even beyond their Inclinations, to make an Expedition of Some hundred of Miles who Actually Attackd an English Town upon our Western Frontier, Killing and carrying away Captives Your Majestys Good Subjects.

These proceedings of the Said French Governour, Your Majestys Government

of this province look upon themselves in Duty bound to represent to Your Majesty, and most humbly to Supplicate as for Your Majestys Wise and powerful Interposition in order to prevent the like Treatment for the future, So for Your most Gracious Favour and Compassion to us, under the present distress of a War which was at first Engaged in for Your Majestys Honour and our own necessary Defence, and that Your Majestys most Loyal and Dutiful Subjects of this province may happily obtain Your Royal Care and Goodness to them in this great Affair, We humbly represent to Your Majesty,

That the Claim or pretensions of the French Governour to the Alliance of these Indian Tribes is Manifestly unjust and Groundless, for that the principal places of their Residence are undoubtedly within Your Majestys Territorys and cannot possibly fall within the French Boundaries, Besides which the Said Tribes have frequently and Solemnly as well in former as later times by Treatys for that purpose, put themselves under the protection of the Crown of Great Britain, and Your Majestys Government of New England.

That Your Majestys Government of this province are under Such Discouragements in prosecuting the War, by reason of the Indian Enemy retiring to the French Settlements in Canada as Soon as ever they have Committed their Ravages and Barbaritys in our Frontiers, that unless the French Governours in Canada by Your Royal Influence be restrained from giving any Protection or Assistance for the future, We can have but little hope of Success in the War or of putting a Speedy and happy End to it.

That the plain Design of the French Governour in all this Management is to Deprive Your Majesty of Your Just Dominion over those Indian Tribes, Your undoubted Right to their Allegiance, and if possible to Seduce and Carry them over to the French Interest, by this Method he also hopes to prevent Your Majestys Subjects from Settling those parts of the Countrey and to Set up a Title to it in the French Crown, his Success wherein would be an unspeakable loss and Damage not only to Your Majestys Rightful and Extended Dominion in North America and the Several provinces and Governments thereunto adjoyning, but also Soon prove very prejudicial to the Trade and Commerce of Great Britain.

All which is most Humbly Submitted to Your Majestys Just, Wise and most Gracious Consideration by Your Majestys Most Loyal, Dutiful and Obedient Servants and Subjects

JOSIAH WILLARD *Secretary.*

In the Name and by the Order
of the General Court or Assembly.
BOSTON, 21st December, 1723.

The *Journals* were ordered to be printed, and for the first time the order gives an intimation of the number of copies printed — one for each member of the

House and another for the town he represented.¹ One hundred and fifteen towns would send one hundred and twenty-two representatives, so that the smallest edition possible was one of two hundred and thirty-seven. The same distribution for the laws called for two hundred and fifty copies and that was probably the full edition of the Journals.² In the absence of a printer's bill itemizing the number it is not possible to be definite. The small edition and its wide distribution account for the rarity of the earlier years. Towards the end of the session the Council expressed its opinion that the "Printing and Publishing the Votes of the Honourable House has been very prejudicial to the Interest of this Province, with respect to the Operations of the War with the Indians, and other Publick Affairs of the Province, besides a considerable Charge it brings on the Province" and desired the House to "desist from Printing their Votes for the future." The advantage of publicity was entirely on the side of the House and not easily to be sacrificed. Adopting a half measure the House voted to continue the printing of the votes but to omit such as affected the war, thereby undoubtedly impoverishing the record by omitting much of historical and personal interest.³

WORTHINGTON CHAUNCEY FORD

BOSTON, *December 1, 1923*

¹ 6.

² 96.

³ 235.

JOURNAL

Of the Honourable House of
Representatives

Of His Majesty's Province of the
Massachusetts Bay

IN

NEW-ENGLAND

Begun and Held at BOSTON, on *Wednesday*
the Twenty-Ninth Day of *May*, Anno
Domini, 1723.



BOSTON: Printed by Bartholomew Green and
Samuel Kneeland, Printers to the Honourable House
of Representatives. 1723.

A
JOURNAL
Of the House of
Representatives,

At a Great and General Court or Assembly of this His Majesty's Province of the Massachusetts-Bay, in ~~New-England~~, Begun and Held at ~~Boston~~, on Wednesday the Twenty-Ninth Day of ~~May~~, Anno Domini, 1723.

THE Honourable *Edward Bromfield*, *Adam Winthrop*, and *Jonathan Belcher*, Esqrs; with Mr. Secretary *Willard*, came down from the Council Board, and acquainted the House that they were Appointed by His Honour the Lieut. Governour, That the Members of this House should take the Oaths, Make and Subscribe the Declaration, Take and Subscribe the Oath of Abjuration (as by the ROYAL CHARTER of this Province is directed) before them, which was done by all the Members present, and then they withdrew.

Voted, That Mr. Secretary be directed to send the Writs and Precepts for the Choice of Representatives into the House, which were brought in by Col. *Dudley* and Capt. *Throop*, excepting the Writ and Precepts for the County of *Essex*.

John Wainwright Esq; appearing in the House, informed, That he was Chosen to Represent the Town of *Ipswich* in this Court, but understood by Mr. Secretary *Willard*, That Mr. Sheriff *Dennison* had not returned the King's Writ to him, nor any of the Precepts issued out for the Choice of Representatives for the County of *Essex*.

Resolved, That the Messenger of the House forthwith repair to *Ipswich*, and Notify the said Sheriff *Dennison* of his great Neglect, and direct him that He immediately return with the Messenger, to Answer the same before this House.

The Precepts brought into the House being Examined, and no Writ, nor any of the Precepts for the Choice of Representatives for the County of *Essex* Appearing, And the Representatives that were Chosen in said County declaring that they were duly Elected by the several Towns in said County, to Serve for and Represent them, and Notified to Serve Accordingly.

Voted, That the said Representatives be Received and Accepted as Members of this House.

Then the House Proceeded to take a List of the Names of the Persons Chosen to Serve for and Represent the several Towns, which are as follow, viz. [2]

Of the County of Suffolk.

(Speaker.
 Boston { The Hon. JOHN CLARK Esq;
 { The Hon. Elisha Cooke Esq;
 { Mr. Isaiah Tay.
 { Mr. Ezekiel Lewis.
 Roxbury, Col. Wm. Dudley
 Dorchester, Col. Robert Spurr
 Milton, Mr. Ephraim Tucker
 Brantrey, Maj. John Quincey
 Weymouth, Joseph White Esq;
 Hingham, Capt. Thomas Loring
 Dedham, Mr. Thomas Fuller
 Medfield, Mr. Henry Adams
 Mendon, Mr. Daniel Taft
 Wrentham, Mr. Edward Gay
 Brooklin, Mr. Edward White
 Needham, Mr. Timothy Kingsbury
 Woodstock, _____
 Bellingham, _____
 Oxford, _____
 Sutton, _____
 Medway, _____
 Hull, _____

Of the County of Essex.

Salem, { Capt. Peter Osgood
 { Capt. Daniel Epes
 Ipswich, { John Wainright Esq;
 { Mr. Thomas Choate
 Newbury, { Capt. Henry Rolfe
 { Mr. Joseph Gerrish
 Lynn, Mr. Richard Johnson
 Marblehead, James Cawley Esq;
 Haverhill, Mr. John Saunders
 Rowley, Capt. Samuel Pickard
 Salisbury, Mr. Isaac Morrill
 Andover, Capt. James Frye
 Topsfield, Mr. Timothy Perkins
 Boxford, Mr. Joseph Hale
 Bradford, Mr. Thomas Carlton
 Beverly, Mr. John Thorndike
 Wenham, Mr. William Fairfield
 Gloucester, Mr. James Sayward
 Amesbury, Mr. Thomas Hoite
 Manchester, _____

Of the County of Middlesex.

Cambridge, Jona. Remington, Esq;
 Charl- { Charles. Chambers, Esq.;
 stown, { Henry Phillips, Esq;
 Watertown, Jonas Bond, Esq.
 Concord, Mr. Benj. Whittemore
 Newton, Mr. Ebenezer Stone
 Sudbury, Hopestill Brown Esq;
 Marlborough, Mr. Caleb Rice
 Sherburn, Capt. Samuel Bullard
 Medford, Capt. Samuel Brooks
 Lancaster, Mr. Jabez Fairbanks
 Groton, Mr. Benjamin Prescott
 Framingham, Col. J. Buckminster
 Chelmsford, Mr. Stephen Pierce
 Billerica, Mr. George Brown
 Woburne, Mr. Daniel Pierce
 Reading, Wm. Bryant, Esq;
 Malden, Mr. Samuel Bucknam
 Lexington, Capt. Jos. Easterbrooke
 Weston, _____
 Stow, Mr. Nathaniel Hapgood
 Leicester, John Meinzie, Esq;
 Dracut, _____
 Dunstable, _____
 Westborough, _____
 Worcester, _____. ____
 Littleton, _____
 Shrewsbury, _____
 Rutland, _____

Of the County of Hampshire.

Springfield, John Pynchon Esq;
 Northampton, John Stoddard Esq;
 Hadley, Mr. Luke Smith
 Westfield, Mr. Daniel Bagg
 Hatfield, Mr. Tho. Hastings
 Suffield, Mr. John Austin
 Enfield, _____
 Deerfield, _____
 Sunderland, _____
 Northfield, _____
 Brookfield, Mr. Joseph Jennings

Of the County of Plymouth.

Plymouth, Josiah Cotton Esq;
 Scituate, Mr. James Cushing
 Marshfield, Isaac Little Esq;
 Duxbury, Mr. Thomas Fish
 Bridgewater, Mr. Eph. Howard
 Middleborough, Mr. Ed. Thomas
 Rochester, Mr. Joseph Benson
 Plympton, Mr. Elkanah Cushman
 Pembroke, Joshua Cushing Esq;

Of the County of Barnstable.

Barnstable, Shubal Gorham Esq;
 Sandwich, Col. Melatiah Bourne
 Eastham, Mr. Samuel Knowles
 Harwich, Mr. Thomas Clark
 Yarmouth, Capt. Eben. Hawes
 Truro, _____
 Chatham, _____
 Falmouth, _____

Of the County of Bristol.

Bristol, Capt. Wm. Throop
 Taunton, Mr. Robert Crossman
 Swanze, Mr. Hugh Cole
 Rehoboth, Mr. Jathniel Peck
 Little Comp. Mr. Jos. Southworth
 Dighton, Mr. Edward Shove
 Tiverton, Mr. Thomas Manchester
 Attleborough, Mr. John Foster
 Norton, Mr. John Hodges
 Dartmouth, Mr. William White
 Freetown, Mr. John Read
 Barrington, _____

Of Dukes County.

Edgartown, Mr. John Norton
 Chilmark, _____
 Tisbury, _____

Of the County of York.

York, Capt. Peter Nowell
 Kittery, Mr. Richard Gowell Jun.
 Berwick, Capt. Elisha Plaisted
 Wells, Joseph Hill Esq.
 Arundell, Mr. Allison Brown
 Biddiford, _____
 Falmouth, _____

Nantucket County.

Sherburne, George Bunker Esq;

The House proceeded to bring in their Votes for a Speaker, which being Examined, it appear'd, That the Honourable *John Clark* Esq; was Chosen Speaker of the House by a Majority of Votes, and was accordingly conducted to the Chair.

Then the House proceeded to the Choice of a Clerk by written Votes, and upon Collecting the same, it appear'd that *John Wainwright* Esq; was Chosen by

a Major part of the Votes, and the Oath proper to said Office was administred to him by Mr. Speaker.

Post Meridiem.

Voted, That *Elisha Cooke* Esq; Capt. *William Throop*, and *John Quincey* Esq; be a Committee to acquaint His Honour the Lieut. Governour, and the Honourable Board, That the Honourable *JOHN CLARK* Esq; is Chosen Speaker of the House, and is now Sitting in the Chair; Who returned that they had delivered the Message.

Voted, That Capt. *Peter Osgood*, *William Dudley*, and *Charles Chambers* Esqrs; be a Committee to inform the Honourable Board, That the House is ready to go upon the Choice of Councillors.

A Message by *Addington Davenport* Esq; That the Board has prepared their Votes for Eighteen Councillors for the late Colony of the *Massachusetts-Bay*. [3]

Ordered, That no Member shall withdraw 'till the several Elections of Councillors are made, on pain of incurring the displeasure of the House.

Voted, That *William Dudley* Esq; Capt. *Peter Osgood*, Mr. *Ezekiel Lewis*, *John Quincey* and *Jonathan Remington* Esqrs; be a Committee to carry up the Votes of the House for Councillors, and assist in sorting and counting them together with the Votes of the Board, and report to the House the several Elections that shall be made.

The said Committee carried up the Votes of the House for Eighteen Councillors that are Inhabitants or Proprietors of the Territory formerly called the *Massachusetts-Bay*, and reported, That Eighteen Councillors were Chosen by a major part of the Votes, viz. The Honourable

<i>William Tailer</i> Esq;	<i>Samuel Sewall</i> Esq;
<i>Penn Townsend</i> Esq;	<i>John Appleton</i> Esq;
<i>Samuel Partrigg</i> Esq;	<i>Edward Bromfield</i> Esq;
<i>Nathaniel Norden</i> Esq;	<i>Benjamin Lynde</i> Esq;
<i>Addington Davenport</i> Esq;	<i>Thomas Hutchinson</i> Esq;
<i>Samuel Brown</i> Esq;	<i>Thomas Fitch</i> Esq;
<i>Edmund Quincey</i> Esq;	<i>Adam Winthrop</i> Esq;
<i>Jonathan Dowse</i> Esq;	<i>Paul Dudley</i> Esq;
<i>Samuel Thaxter</i> Esq;	<i>John Turner</i> Esq;

The said Committee carried up the Votes for Four Councillors that are Inhabitants or Proprietors of Lands within the Territory formerly called the Colony of *New-Plymouth*, and reported, That Four were Chosen by a major part of the Votes, viz.

<i>Nathaniel Byfield</i> Esq;	<i>John Cushing</i> Esq;
<i>Isaac Winslow</i> Esq;	<i>John Otis</i> Esq;

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The said Committee carried up the Votes for Three Councillors that are Inhabitants or Proprietors of Lands within the Territory formerly called the Province of *Main*, and reported, That Three were Chosen by a major part of the Votes, viz.

John Wheelwright Esq; *Charles Frost* Esq; *Joseph Hammond* Esq;

The said Committee carried up the Votes for One that is an Inhabitant or Proprietor of Lands lying within the Territory between *Sagadahoc* and *Nova-Scotia*, and reported, That One was Chosen by a major part of the Votes, Viz.

Spencer Phipps Esq;

The said Committee also carried up the Votes for Two Councillors that are Inhabitants or Proprietors of Lands within any Part of the Province, and Reported that Two were Chosen by a major part of the Votes. *Viz.*

Nathaniel Paine Esq; *Jonathan Belcher* Esq;

And then the House Adjourn'd till to Morrow Morning Ten a-Clock.

Jobis Die 30. Maij, A. D. 1723.

O*rdere*d, That a Journal of this House during the Session and Sessions of the Court be Printed, One for each Member of the House, and another for the Town He Represents; And that the Representatives of the Town of *Boston* have the Care of Printing them.

The Messenger of the House returned from Mr. Sheriff *Dennison* with the Precepts for the Choice of Representatives for the County of *Essex*, which were Examined: Also a Letter from said Sheriff, excusing his not sending them before, Which was Read.

The House proceeded to Examine the Returns on the Precepts, and considered the Excuses of the several Towns that had not sent their Representatives according to Law, The following were Excused, viz. *Sutton, Medway, Hull, Manchester, Sunderland, Chatham, Biddiford, Falmouth* in the County of *York, Barrington, [4] Tisbury, Chilmark, Shrewsbury, Westborough, Worcester, Dunstable and Dracut*: And the Towns following were not Excused, viz. *Woodstock, Deerfield, Enfield* and *Weston*.

A Petition Sign'd by *Thomas Houghton*, and 12 Others, Inhabitants of the Town of *Lancaster*, Praying they may be heard to make their Objections against the Choice of Mr. *Jabez Fairbanks*, who is returned Representative for said Town.

Read, And *Ordered*, That the Petitioners serve the Select-Men of the Town of *Lancaster* with a Copy of this Petition, that they may Appear before this House on Tuesday the Eleventh Day of *June* next, to make Answer to the Complaint set forth in said Petition. The Charge to be born by the Petitioners if they fail in making out their Complaint.

Mr. Secretary brought down the List of Councillors chosen Yesterday by both Houses.

Voted, That Mr. *Ezekiel Lewis*, *Jonas Bond* Esq; and Capt. *Throop* wait on His Honour the Lieut. Governour with the List of Councillors or Assistants newly Chosen for the Year ensuing for His Honours Approbation of the Persons therein Named, to be given in Writing under his Hand. Sent up.

The ORDERS of the House last Year were Read, and Voted to be the Orders of this House.

Post Meridiem.

Ordered, That Mr. *Benjamin Whittemore*, Mr. *Stephen Pierce*, and *Joseph White* Esq; be Monitors to take Care that the Orders of the House be duly observed.

A Message by Mr. Secretary with the Return of the List of Councillors, Sign'd by His Honour the Lieut. Governour in these Words, viz.

I Consent to the Councillors within named, except *Nathaniel Byfield* Esq;
Wm. DUMMER.

A Message from His Honour by Mr. Secretary, That His Honour expects this House forthwith to Attend him in the Council Chamber.

Mr. Speaker and the House went up, and His Honour made a S P E E C H to the Court, of which Mr. Speaker obtained a Copy, and with the House returned to their own Chamber.

His Honour the Lieut. Governour's S P E E C H is as follows, *Viz.*

G E N T L E M E N,

I*T being the Anniversary Time of our Meeting to do the Business of the Province, I shall Attend to every thing that may offer for the Publick Advantage, that nothing may be wanting on my Part to prevent the Province being burthen'd with the Charge of any unnecessary Attendance here.*

The Progress of the War with the Indian Rebels shall be layed before you: The uncommon openess of the Winter added to the great Sickness it has pleased GOD to visit our Forces with, has been a Disadvantage to the Operations on our side, and at the same time very Commodious to the Enemy; however they have done little to value themselves upon, whilst we have demolished their Fort, and all their Buildings at Penobscott.

The Great Storm we had in February last has very much damaged and shaken the Light-House, and carried away great part of the Wharfes there, and also of the Old Wharfes at Castle-William, which it will be necessary speedily to repair.

In the last Sessions I acquainted the Assembly that the Soldiers Enlistment at the Castle would Expire the last Day of March, and moved for a New Enlistment, but that Affair tho' began was not Concluded, by which Means that Garrison became very

weak, great part of our small Number both Officers and Centinels leaving us at once, who could not be prevailed on to stay upon the former Establishment; although by the Advice of His Majesty's Council I gave them Encouragement to hope that the next General Assembly would make their Pay equal to other Garrisons; however the Remainder, (notwithstanding their Duty has been very hard,) have chearfully performed it, in Confidence of the Justice and Goodness of the Government. [5]

I hope soon to Acquaint you of our Success in the Treaty with the Five Nations, and shall lay before you a Packet I received Yesterday from our Commissioners now at Albany.

By the late Ships from England I have Advices from His Excellency our Governour of his Gracious Reception at the Court, and that He designs to return to us in the Fall.

Gentlemen of the House of Representatives,

I have nothing further to recommend to you, but the providing Supplies for the Support of the Government and Defence of the Province; and that in all your Proceedings you'l maintain a just Regard to the Honour of the King's Majesty, and the Prosperity of the People you Represent.

WILLIAM DUMMER.

A Petition Signed *John Coggin, Joseph Reed* and 112 others, Praying for a Grant of a Parcel of Land on *Merrimack-River* near a place called *Amaskeeg-Falls*, Read, And the Question being put, *Whether the Prayer of the Petition should be Granted?* It passed in the Negative.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Veneris Die 31. Maij, A. D. 1723.

O*rdere*d, That *Elisha Cooke, John Pynchon, William Dudley* and *Melatiah Bourne Esqrs*; and Capt. *William Throop*, be a Committee for Petitions.

A Petition Signed by *Nathaniel Norden, William Bowditch, John Oulton* and 63 others in behalf of themselves and others Inhabitants of *Salem, Marblehead* and other Places concerned in the Fishery, Praying, That they may be supplied with a Convenient Vessel, Mann'd with 30 or 40 Men to defend the Fishing Coast from the Annoyance and Disturbance of the Eastern Indians, who have lately very much Infested that Coast, in the fishing Vessels they have surprized and taken from said Inhabitants concerned in the Fishery.

Read and Committed to the Committee for Petitions.

A Petition of *Abigail Cabbott* and *Miriam Johnson* shewing, They had each of them a Son taken into Captivity last Year by the Indians, Praying this Court would engage to Restore them. Read and Rejected.

Voted, That Capt. *Osgood* and Mr. *Saunders* go up to the Board, and desire that the *Bill in Addition to the Act made to prohibit Trade, &c. with the Eastern Indians*, may be Sent down.

Penn Townsend Esq; brought down two Letters from His Honour the Lieut. Governour, dated *Albany, May 22. 1723.* which came from the Commissioners there, and one other Letter, Dated *St. Francois, January 21st. 1722,3.* from *Zechariah Trescot* a Prisoner there. Also a Vote of Council, *Viz.*

In Council *May 31, 1723.* Ordered, That *Samuel Partrigg, Thomas Fitch, Adam Winthrop* and *John Turner*, Esqrs. with such as the Honourable House of Representatives shall appoint, be a Committee to consider of what further Instructions may be necessary to be sent to the Commissioners appointed to Treat with the Five Nations at *Albany*, and what is needful to be done respecting the Captives belonging to this Province in the hands of the French and Indians at *Canada.*

Sent down for Concurrence.

Read and Non-Concurr'd. And Ordered, That *Charles Chambers, John Quincey, Isaac Little, James Cawley* Esqrs. and Mr. *Ebenezer Stone*, with such as the Honourable Board shall appoint, be a Committee to consider of what is needful to be done for the Recovery of the Captives belonging to this Province in the hands of the French and Indians. Sent up for Concurrence.

A Bill Entituled, *An Act in Addition to an Act to prohibit Trade and Commerce with the Eastern Indians.* Brought down by *John Appleton* Esq; was Read a First Time. [6]

Ordered, That Mr. *Stone*, Mr. *Hastings*, and Mr. *Lewis* be a Committee to project, and lay before the House some Additional Act to the *Act for the better Observation and Keeping of the Lord's-Day.*

Post Meridiem.

A Petition of *Patience Copp* praying for Liberty to Sell a Part of some Upland and Flatts at the South End of *Boston*, belonging to Minors, &c. which was Referr'd to this Session. Read, and Committed to the Committee for Petitions.

A Petition of *William Partridge*, and several others of the Inhabitants of the Town of *Medfield*, and sundry other Persons, praying for Liberty to purchase a Tract of Land, lying between *Oxford, Brimfield, Brookfield*, and the Province Line, Referr'd to this Session. Read and the Question being put, *Whether the Prayer of the Petition should be Granted?* It pass'd in the Negative.

Mr. Secretary brought down from His Honour the Journal & several Letters from Col. *Westbrook*, and the Commanding Officers Eastward, of their Proceedings in their Winter Expedition and Management of the War, and acquainted the House, that His Honour would lay the Orders and Instructions to said Officers before the House, when they desired it.

John Otis Esq; brought down a Petition of *Nicholas Moorcock* of *Boston*, shewing that he had sued out a Mortgage of *Elizabeth Davis*, Widow, for a certain Messuage or Tenement situated in *Boston*, in *July* last, and recovered Judgment

for the said Messuage, or *l.*209 *10s.* from which Judgment the said *Davis* Appealed to the Superiour Court holden at *Boston* aforesaid in *November* last, but neglected Prosecuting her Appeal. And the Petitioner through Infirmary of Body and Unskilfulness in the Law, omitted filing a Complaint at the said Superiour Court for Confirmation of the Judgment of the Inferiour Court in *July*, so that the Petitioner is without Remedy in the Common Law: Wherefore prays, That by a Private Act he may be Enabled to File a Complaint at the Superiour Court to be holden at *Boston* aforesaid for the County of *Suffolk* per Adjournment on the Fourth Day of *June* next, to confirm the Judgment of the said Inferiour Court.

Passed on in Council, *viz.* Read and *Ordered*, That the Prayer of this Petition be granted, and that the Petitioner bring in a Bill accordingly.

Sent down for Concurrence. Read and Concurr'd.

John Wheelwright Esq; brought down the Report of the Committee appointed in the last Fall Session to Repair to *Eastham* and *Billingsgate* and Report what may be proper to be done as to making *Billingsgate* a Precinct or Town, Signed
John Cushing, per Order of the Committee.

Passed on in Council, *viz.*

In Council, *May* 31. 1723. Read and Accepted, and, *Ordered*, That *Billingsgate* be accordingly Set off from the Town of *Eastham* by the bounds above-mentioned as a separte Precinct, and have the Powers and Privileges by Law granted to Precincts. Sent down for Concurrence.

Mr. Secretary brought down Capt. *Heath's* Journal.

And then the House Adjourn'd till to Morrow Morning Nine a Clock. [7]

Sabbati Die 1. Junij, A. D. 1723.

A Message from His Honour, and the Honourable Board by *Samuel Sewall* and *John Wheelwright* Esqrs; *viz.*

His Honour Communicated a Letter he received since the Commissioners Letters respecting their Instructions, which was brought down with the Commissioners Letters again. And In Council *May* 31st. 1723.

Ordered, That a Message be sent down to the Honourable House of Representatives, That the Board very earnestly desire they would re-consider the Vote for sending some farther Instructions to the Commissioners at *Albany*, The subject matter of their Letters for that purpose being of very great Importance to this Province, and not provided for in those Instructions they carried from hence.

J. Willard, Secr.

Voted, That a Message be sent up to the Honourable Board, That the House is desirous to speak with *John Cushing* Esq;

John Cushing Esq; came into the House, and Mr. Speaker at the Request of the House, asked him some Questions respecting the Report of the Committee

about making *Billingsgate* a Precinct. Which he answered, and then withdrew.

The said Report was Read, and the Vote of Council thereon, and the Question was put, *Whether the House would Concur with the Board in said Vote?*

It pass'd in the Negative.

And the following Vote pass'd, *viz.* *Ordered*, That the Line & Bounds between *Billingsgate* and the Southerly part of the Town of *Eastham* as described in the Report, be the Settled Bounds of said Precinct, and that the Four Families who have not Petitioned to be set off to the Parish of *Billingsgate*, shall remain with their Families and Estates and belong to the Old Parish of *Eastham*, so long as the said Families desire it. Sent up for Concurrence.

Upon Reading the Letters His Honour Communicated about giving farther Instructions to the Commissioners, and the Message of the Board, that the House would re-consider their Vote pass'd Yesterday for not sending farther Instructions to the Commissioners at *Albany*. The Question being put, *Whether the House would re-consider that Vote.* It pass'd in the Negative.

Whereas the Honourable William Tailer Esq; and the other Commissioners now at Albany, have by their Letter to His Honour the Lieutenant Governour of 22d. May past, hinted as if there was a prospect of the Eastern Indians Submission to such Terms as the Maquois should enjoyn them relating to a Peace with this Government, and inasmuch as the Instructions given those Gentlemen by the Government will not allow them to entertain such Motions. However, [8]

Ordered, That a Post be immediately Dispatched to the Commissioners at *Albany*, directing them that if any Overtures of Peace should be Offered and Pressed by the *Maquois* that they judge Adviseable for the Government to come into, that then they Dispatch the Conditions immediately to the General Court now sitting; and use all proper Means to keep the Five Nations 'till the Answer of this Court shall reach them. Sent up for Concurrence.

A Petition of *Nathaniel Glover Jun.* of *Dorchester*, shewing, That their Anniversary Meeting held in *March* last was not regularly Called, praying the Power of this Court may be given him to Summon the Evidences to prove the Complaint set forth in the Petition. Read and Dismiss'd.

Voted, That Mr. *Choate* go up to His Honour and the Honourable Board, and Enquire, Whether there be any thing likely to come down from them this Forenoon, for that the House is about to Adjourn to Tuesday next Afternoon. Who returned, That His Honour would send down a Message presently.

A Message by Mr. Secretary from His Honour and the Board, *viz.* That the Board had Concurr'd the Vote of the House respecting the Express to the Commissioners at *Albany*, and that His Honour had Sign'd the same, and it would be immediately Dispatch'd.

And then the House Adjourn'd to Tuesday the Fourth Currant, at Three a Clock, Post Meridiem. [9]

VOTES

Of the House of Representatives.

Martis Die 4. Junij A. D. 1723.

MR. Secretary *Willard* brought down a Private Bill, to Enable *Nicholas Moorcock* of *Boston*, to File his Complaint at the Superiour Court of Judicature now holden at *Boston*, &c. for confirming a Judgment of an Inferiour Court of Common Pleas held at *Boston* on the first Tuesday of *July* 1722. obtained against *Elizabeth Davis*. Sent down for Concurrence.

Read three several Times and Concurr'd.

A Petition of the Town of *Sutton*, praying that Four Farms lying next Adjoyning to them may be added to them, in Supporting the Charge of the Ministry there, That the Persons dwelling on the Indians Land on that side *Blackstone's-River* next to said Town may be oblig'd to help pay their Town Charges, and That the Waste and Un-improved Lands within that Township may be laid under some Small Tax to contribute to their Relief. Read, and

Ordered, That this Petition lye on the Table till this day Fortnight, and that the Petitioners in the mean time serve the Proprietors of the Town of *Sutton*, and others concerned in the subject Matter of the Petition with a Copy thereof, that they may give their Reasons why the Prayer of the Petition should not be granted.

Mr. Treasurer *Allen* was admitted into the House, and laid on the Table an Accompt of sundry Provisions and Cloathing bought and paid for, for the Forces, &c. now in the pay of this Government, amounting to the Sum of *l.9688 8s. 5d.*

Read, and Committed to Mr. *Lewis*, Capt. *Epes*, and Capt. *Throop* to Audit said Accompt, and report what is proper to be done thereon.

A Petition of *Elizabeth Stratton* Relict Widow of *John Stratton*, late Master of the Sloop *George*, a Transport in the Service of this Government, deceas'd.

Read and Committed to the Committee for Petitions.

Voted, That *William Dudley* and *Elisha Cooke* Esqrs; be a Committee to prepare a Bill in Addition to the *Act for the Relief and Release of Poor Prisoners for Debt*. Made in the Tenth Year of the late King *WILLIAM*.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Mercurii Die 5. Junij, A. D. 1723.

MR. Secretary *Willard* brought down an Engross'd Bill Entitled, An Act to Enable *Nicholas Moorcock* to File his Complaint at His Majesty's Superior Court of Judicature held at *Boston* within and for the County of *Suffolk*, for

confirming a Judgment of an Inferiour Court of Common Pleas held at *Boston* on the first Tuesday of *July 1722*. obtained against *Elizabeth Davis*.

Which was Read And

Resolved, That the said Bill pass to be Enacted. Sent up.

A Petition of *Thomas Creaghead*, late Minister of the Church at *Freetown*, shewing that said Town is very much in Arrears to him on Accompt of his Support in the Ministry there, praying for Relief. Read, [10]

Ordered, That Mr. *Cooke*, Mr. *Edward Shove*, and Mr. *Dudley* be a Committee to prepare a Bill in Addition to the *Act directing the Admission of Town Inhabitants*. Made in the Thirteenth Year of the Late King W I L L I A M.

Adam Winthrop Esq; brought down the Report of the Committee for making *Billingsgate* a Precinct, which was sent up the first Currant, with a Vote of Council thereon, viz. In Council *June 5th. 1723*.

Read and Concurr'd with the Amendments.

Sent down for Concurrence. Read and Concurr'd.

Ordered, That *James Cawley* and *John Menzies* Esqrs; Mr. *Daniel Pierce*, *Charles Chambers* Esq; and Mr. *Thomas Choate*, be a Committee to prepare a Bill for regulating the Abuses in Culling and Shipping off Merchantable Fish.

Nathaniel Paine Esq; brought down a Petition of the Inhabitants of the East Part of *Taunton North-Purchase*, praying for Confirmation of their Transactions at their First Meeting held in *March* last, with a Vote of Council thereon, viz. In Council *June 4th. 1723*. Read and *Ordered*, That the Prayer of this Petition be Granted, and that the Votes pass'd at a Meeting of the Inhabitants of the East Precinct in the North Purchase on the 28th Day of *March 1723*, which Votes are hereunto Annexed, be Allowed Ratified and Confirmed, and made good and Valid to all Intents and Purposes whatsoever. Any Law, Usage, or Custom to the Contrary notwithstanding. Sent down for Concurrence

J. Willard Secr.

Read and Concurr'd.

Ordered, That the South Part of the Town of *Weymouth* as the same has been set off and bounded by a Committee of this Court in a Report of the 20th of *November* past (excepting as is therein excepted) be and hereby is Erected and made into a Precinct, and that the Inhabitants thereof, Use, Exercise and Enjoy all such Powers and Priviledges which other Precincts Use, Exercise and Enjoy, so that they procure and Settle a Learned and Orthodox Minister amongst them, and make a suitable Provision for an Honourable Support and Maintenance for him, And that therefore they be exempted from any Charge for the future Maintenance of the other or Northward part of *Weymouth*. And that Messieurs *John Vincent* and *John White* Principal Inhabitants of the said Precinct are hereby directed and impowered to Notify and Summon the Inhabitants duly qualified

for Voters to Assemble and Meet together for the choosing all Precinct Officers, and determine the Way and Method of future Meetings of said Precinct.

Sent up for Concurrence.

A Petition of *Richard Dole* Junior of *Newbury*, with an Accompt amounting to l. 2 10 s. 10 d. for Ferridge. Read and Committed to the Committee.

Ordered, That *Elisha Cooke* Esq; Capt. *William Throop*, *Charles Chambers*, *Joseph White* and *James Cawley* Esqrs. be a Committee to Repair to *Castle-William* and the *Light-House*, and make Enquiry into the Damages done there, in the late Storm in *February* last, and Report what they think proper and necessary to be done to Repair those Damages.

Voted, That Mr. *Stone*, Mr. *Remington*, Mr. *Daniel Pierce*, and Capt. *Hill*, be a Committee to consider of the *Act for the farther Encouragement and Regulation of the Officers and Soldiers in the pay of this Government*, And Report what they think proper to be added to it, or to Repeal the same, or any part thereof. [11]

Post Meridiem.

Ordered, That the North Part of the Town of *Eastham* as the same has been set off, and Bounded by a Committee of this Court in a Report of the 14th day of *May* last (excepting as is therein excepted) be and hereby is Erected, and made a Precinct, and that the Inhabitants thereof Use, Exercise and Enjoy all such Powers and Priviledges, which other Precincts Use, Exercise and Enjoy, so that they procure and Settle a Learned Orthodox Minister amongst them, and make suitable Provision for an honourable Support and Maintenance for him, And that they be therefore exempted from any Charge for the future Maintenance of the Ministry in the other or Southwardly part of *Eastham*; And that *John Doane* Esq; Principal Inhabitant of the said Precinct is hereby directed and impowred to Notify and Summon the Inhabitants duly qualified for Voters to Assemble and Meet together for the choosing all Precinct Officers, and determine the Way and Method for future Meetings of said Precinct. Sent up for Concurrence.

A Petition of *William Hamilton*, *Samuel Shaw*, and *Seth Shaw*, Inhabitants of *Brimfield*, in the County of *Hampshire*, praying they may securely enjoy their late Purchases in said Town. Read.

Mr. *Lewis* from the Committee appointed to Examine the Accompt of Disbursements, &c. of Mr. Treasurer, Reported as follows, viz.

Having Examined the within Accompt, with the Accompt of Provisions, we find them right Cast, and well Vouch'd, but are of Opinion that *Twenty Seven Shillings* Charg'd in *John Larraby's* Accompt for Portage of Beer for *Castle-William* ought not to be allowed. per Order of the Committee,

Ezekiel Lewis.

Read and Accepted.

Mr. *Cooke* from the Committee for Petitions, Reported on the Petition of *Nathaniel Norden*, *William Bowditch*, and others, viz.

The Committee are of Opinion, That a suitable Sloop or some other Vessel be forthwith taken up, and well Equipped and Mann'd with Thirty-five good Effective Men (including Officers) and Two Whale Boats; The said Vessel and Whale Boats to be constantly ranging the Sea Coasts upon the Fishing-Ground between the Isles of Shoals and Cape-Samborough 'till the latter End of *September* or middle of *October* next, as the Season may require, in Defence of the Fishery, and protecting and securing them from the Insults of the Indian Enemy; Who are likewise to go into and Search among the Ports and Harbours Eastward, to prevent all Trade with the Indian Enemy, and upon discovering any such Illegal Trade to Seize and Secure the Goods and Merchandize, and Vessels importing the same, and Prosecute the Master before some of His Majesty's Courts of Record in this Province. That the Master or Commander carry One or more of the Acts made to prevent all Trade or Commerce with the Eastern Indians. That the Men to be Employ'd in the above Service, to be taken out of the Sea-port Towns in the County of *Essex*.

Read and Accepted, and *Ordered*, That the Pay of the Seamen shall be *Forty Shillings* per Month, and the Officers in proportion.

Sent up for Concurrence. [12]

A Petition of *Japhet* Indian, and other Indians of *Nantucket*, Complaining of several Grievances imposed on them by the English Inhabitants there.

Read, and *Ordered*, That the Inhabitants of the Town of *Sherburn* in *Nantucket* County be served with a Copy of this Petition, and that a Hearing be had thereon before this Court on the Second Wednesday of the Fall Sessions.

Sent up for Concurrence.

A Message from the Board by *John Appleton* Esq; viz. A Vote of Council on the Order for Erecting, and making *Billingsgate* a Precinct, and for Calling a Precinct Meeting therein, viz. In Council *June* 5th. 1723. Read and Concurr'd with the Amendments.

Sent down for Concurrence.

Read and Concurr'd. Sent up.

Also a Vote of Council on the Order for Erecting and making the South part of the Town of *Weymouth* a Precinct, and for calling a Meeting therein, viz. In Council, *June* 5th. 1723. Read and Concurr'd with the Amendments.

Sent down for Concurrence. Read and Concurr'd.

A Message from His Honour by Mr. Secretary, That His Honour expects this House to attend him in the Council Chamber at the Hearing Appointed to be had this Day upon the Petition of several of the Inhabitants of *Newton*.

Mr. Speaker and the House went up accordingly, and after some stay returned into their own Chamber.

A Debate being had, and the Question put, *Whether the Hearing Appointed to*

be had this Day in the Petition of several of the Inhabitants of Newton should proceed? Resolved in the Affirmative.

Voted, That a Message be sent up to the Honourable Board to acquaint them, that the House has Resolved, That the Hearing Appointed to be had this Day on the Petition of several Inhabitants of *Newton* shall proceed, but desire it may be continued 'till to Morrow Morning. Sent up for Concurrence.

A Message from the Board by *Adam Winthrop* Esq, *viz.* In Council *June* 5th. 1723. *Voted*, That the Hearing on *Newton* Petition be deferred till to Morrow at Three a Clock Afternoon, And that the Petitioners in the mean time Refund the Adverse Party the Money distrained from them for the Maintenance of the Ministry at *Newton*, contrary to the Orders of this Court.

Sent down for Concurrence. Read and Concurr'd.

Sent up.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock.

B O S T O N: Printed by *Bartholomew Green* and *Samuel Kneeland*,
Printers to the Honourable House of Representatives. 1 7 2 3. [13]

VOTES

Of the House of Representatives.

Jobis Die 6. Junij A. D. 1723.

AN Accompt Signed *John Dyer* County Treasurer of *Plymouth* for the Year 1722. was presented to the House. Read and Allowed.
Sent up for Concurrence.

A Petition of Dr. *John Perkins* of *York* in the County of *York*, for pay for Curing a Soldier in the Service of the Province, who was wounded in his Left Hand in Discharging his Muskett, with an Accompt amounting to the Sum of *l.21 9s. 6d.* for said Cure. Read and Committed to the Committee.

John Turner Esq; brought down a Petition of *John Blanchard*, praying for some Allowance for a Horse he lost, which was Impressed to carry One of the *Delegates* home, the Horse dying in performing the Journey, and the Person in whose Stable the Horse dyed, retaining the Furniture for his keeping. Pass'd on in Council, *viz. June 6, 1723.* Read and Sent down.

Read and Committed to the Committee.

Mr. Treasurer was Admitted into the House, and presented his Accompt of the Province ending *May 31st. 1723.* Also an Accompt of the present State of the Treasury, which He laid on the Table, and then withdrew.

Whereas the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas for the County of Middlesex, are Appointed by Law to be held at Cambridge in said County upon the Second Tuesday of June Currant, and several of the Justices of said Court, &c. concerned, are Members of this Court.

Resolved, That in Consideration of the present Sitting of the General Court, The said Court of General Sessions of the Peace and Inferiour Court of Common Pleas, be and hereby are Adjourned to the Second Tuesday of *July* next, Any Law, Usage or Custom to the Contrary notwithstanding.

Sent up for Concurrence.

A Hearing being had before this House on the Petition of *Joseph How, Abraham How*, and others, praying that 300 Acres of Land, Sold by Mr. *Habberfield* to *Joseph How* deceased, may be confirmed to them.

The Question was put, Whether the Prayer of the Petition should be Granted?
It pass'd in the Negative.

Post Meridiem.

A Message from His Honour by Mr. Secretary, *viz.* Mr. Speaker, His Honour directs this House to Attend him in the Council Chamber on the Hearing of the *Newton* Affair.

Mr. Speaker and the House went up Accordingly, and after the Hearing was over, Mr. Speaker with the House returned to their own Chamber.

Mr. Treasurer *Allen's* Accompt, ending *May 31st. 1723*, was Read, and *Ordered*, That the same lie on the Table.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock. [14]

Veneris Die 7. Junij, A. D. 1723.

A Petition of *Thomas Amsden*, and *Jeremiah Barstow* for themselves and others, the Children of *Joseph How* of *Marlborough* deceased, praying that 300 Acres of Land granted to Mr. *William Habberfield*, Anno 1698. may be laid out and confirmed to them for the Reasons therein mentioned. Read and

Resolved, That the 300 Acres of Land granted to *William Habberfield*, as set forth in the Petition be laid out in some unappropriated Lands in this Province by a Surveyor and Chain-Men under Oath, and a Platt thereof returned to this Court within Twelve Months for Confirmation. Sent up for Concurrence.

Voted, That *John Quincey Esq*; Capt. *Peter Osgood*, and *Jonathan Remington Esq*; be a Committee to search for, and see what Laws are near Expiring or Expired, and Report to the House, what they think is needful to be continued or revived.

Samuel Thaxter Esq; brought down the Petition, &c. of several of the Inhabitants of *Newton*, Passed on in Council, *viz.* In Council *June 6th. 1723*. A hearing having been had before the whole Court on this Petition.

Ordered, That the Prayer of the Petition be not Granted.

Sent down for Concurrence. Read and Non-Concurr'd. And

Ordered, That *William Ward*, *Nathaniel Healy*, *Philip White*, *Edward Ward*, *Daniel Coleman*, *Andrew White* and *Caleb Ward*, and their respective Families and Successors in the Lands they now possess in *Newton*, be exempted and freed from paying their Poll Tax only, to the Annual Support of the Ministry in *Newton*, so long as they attend the Worship of GOD at the South Church in *Roxbury*.

Sent up for Concurrence.

Mr. *Cooke* acquainted the House that the Town of *Boston* had directed their Representatives to propose some Articles to this Court for the better Regulating Indians, Negroes, and Molattoes in the Town of *Boston*, and that they endeavour to have them pass'd into an Act, which He Read in his place, and laid on the Table.

Voted, That *Elisha Cooke*, *Jonathan Remington* and *John Menzies Esqrs*; Capt. *Throop*, Capt. *Hawes*, *John Quincey* and *William Dudley Esqrs*; be a Committee to take the Subject Matter of the Articles proposed by the Town of *Boston*, for the better Regulating Indians, Negroes and Molattoes, under Consideration, and project and prepare a proper Bill, not only of what they think

necessary for the Town of *Boston* or any other Town in particular, but also for the Interest of the Province in general, and lay the same before the House.

A Memorial of *William Payne* Esq; late Clerk of the House of Representatives, Shewing that He was Summoned by Capt. *John Alden* to Appear before the Inferiour Court next to be holden in the County of *Plymouth*, for issuing out a Warrant against the said *Alden* for a Fine laid on him for his Delinquency, Anno 1722. praying for Protection as He was Clerk of the House. Read. [15]

Post Meridiem.

A Petition of *Thomas Creaghead*, Read again, And Ordered, That the Reverend Mr. *Thomas Creaghead* serve the Town of *Freetown* with a Copy of this Petition, That they shew forth their Reasons (if any they have) before this Court on Wednesday the Nineteenth Day of this Instant *June*, why the Prayer of the Petition should not be Granted; And that *George Winslow* late Constable of said Town of *Freetown*, Anno 1718, and *Thomas Durfey* Constable as aforesaid, Anno 1719, and Mr. *John Barney* Deputy Sheriff of the County of *Bristol* to whom was committed a Rate of *l. 32 10s.* for the Use and Support of the said Mr. *Creaghead*, being a List of a Tax of what was to be collected by *John Hathway Jun.* late Constable of said Town, Anno 1717, who dyed before Collecting the said Rate, be and hereby are directed and Ordered to attend at the Hearing aforesaid, to shew cause why they and each of them have not duly collected the Sums committed to them respectively to Collect, and Paid the same to Mr. *Creaghead* as by their Warrants directed. Sent up for Concurrence.

Edward Bromfield Esq; brought down the Petition of several of the Inhabitants of *Newton*, &c. with the Vote of the House thereon, Pass'd on in Council, *June* 7th. 1723. Read and Non-concurr'd, and the Board Adhere to their Vote. Sent down for Concurrence.

Read and Non-Concur'd, and the House Adhere to their Vote.

Sent up.

Ordered, That a Message be Sent up to the Board, That the House desire to Speak with Col. *Paine*.

A Petition of *Zerubbabell Eager* and *Phinehas Rice*, Praying for Liberty to Purchase a parcel of Lands of the Indian Proprietors lying at a Place called *Hassanamisco*. Read.

Voted, That the Indian Proprietors of Lands at *Hassanamisco*, have leave to Sell their Lands.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Sabbati 8. Die Junij, A. D. 1723.

A Petition of the Town of *Dighton* formerly called the South Purchase of *Taunton*, Praying that what was done by a Committee of this Court on a Petition of *William Salisbury*, of *November 2. 1720.* as to Setling the Bounds of the Proprietors of Lands next adjoining to a Place called the *Gore* or Outlet Part of *Shewawmett* Purchase, may not be Used or Improved, to impede them from a fair Tryal and Claim to said Land, but that they may enjoy their Ancient Grants and Settlements of *Plymouth Court.* Read. [16]

Samuel Brown Esq; brought down the Report of the Committee on the Petition of *Nathaniel Norden, Wm. Bowditch*, and others, with a Vote of Council, *viz.* In Council *June 8. 1723.* Read and Concurr'd with the Amendments.

Sent down for Concurrence.

Read, and the House Concurrs with the first Amendment, *viz.* One Whale Boat.

The Second Amendment Non-Concurr'd, and the House insist on their Vote with the first Amendment only. Sent up for Concurrence.

A Memorial of several Inhabitants as well Merchants and Shopkeepers in *Boston* as others dwelling in the Country Towns, Shewing the many Inconveniencies arising from an Act Entitled, *An Act for the Regulation and Limiting Credit in Trade*, Made in the Fourth Year of His present Majesty's Reign, Praying they may be impowered to Sue for and Recover their just Debts, notwithstanding the Time limited in said Act. Read, and

Ordered, That the Prayer of the Petition be Granted, And that the Petitioners have leave to bring in a Bill accordingly. Sent up for Concurrence.

And then the House Adjourn'd till Monday next Three a-Clock, Afternoon

VOTES

Of the House of Representatives.

Lunæ Die 10. Junij, A. D. 1723.

A Memorial of *William Payne Esq*; as Entred the 7th Currant. Read again, And the following Resolve pass'd thereon, viz.

Whereas William Payne of Boston Esq; late Clerk of the House of Representatives, was on the First Day of February last past by Summons issued out of the Clerks Office of the Inferiour Court of Common Pleas for the County of Plymouth, required to Appear before the Justices of the said Inferiour Court on the first Tuesday of March last past, to answer to Capt. John Alden of Duxborough in the County of Plymouth, Gent. In a Plea of the Case for that the said Payne under Colour of his Office as Clerk to the House of Representatives, had issued out a certain Warrant of Distress, dated the 27th. Day of March 1722. to be Levied on the Goods and Chattels of the Plaintiff, to the value of Four Pounds, being a Fine assessed on the said Alden for neglecting to give his Attendance in said House. &c, Which Warrant said Alden averrs in his Writ the said Payne was not impowered by the House of Representatives to issue forth, nor had any Directions how to dispose of the same, and lays his Damage to the value of Twenty Pounds, as by an Attested Copy of the Writ appears, reference being had thereto: And whereas it appears to this House that what Mr. Payne did in that Affair was done by Order of the House of Representatives at their Session at Cambridge, March 1722, who was then Clerk to that House, and consequently obliged to issue out the Warrant of Distress against the said John Alden in Manner and Form as he did, and not under Colour of his Office. Wherefore,

Resolved, That for a Member of the House to Purchase a Writ, and Summons the Clerk to Appear to Answer his Suit for a supposed Trespass and Damage, is what the Law impowring the House of Representatives to Fine their Absent Members, and dispose of such Fines as they think fit, never intended; and it cannot be supposed that what the House of Representatives Vote or Order, pursuant to that Law, can be called in Question by the Justices of the Inferiour Courts of Common Pleas; But if Capt. *Alden* deemed himself wronged by that Order of the House of Representatives, he ought to have made his Application to them or the next House. Sent up for Concurrence.

A Petition of *Thomas Barns of Brookfield*, praying, That he may purchase a Tract of Land of Three Hundred and Thirty one Acres, lying between *Brookfield* and *Brantrey* Grant. Read and Referred to the next Session.

A Letter Signed *Jer. Dummer*, dated *Middle-Temple, March 16. 1722, 3.* directed to Mr. Speaker. Read.

A Petition of *Zerubbabel Eager*, and *Phinehas Rice*, as entred the 7th. Currant, Read again, and after some Debate had thereon,

Voted, That the Lands belonging to the Indian Proprietors at *Hassanamisco* may be Sold to and for their Use, to such Persons, and under such Restrictions and Limitations as the Great and General Court shall Order.

Sent up for Concurrence.

A Petition of the first Proprietors of *Sutton* in the County of *Suffolk*, praying they may be allowed to Purchase the Indian Lands at *Hassanamisco* for the Reasons therein mentioned.

Read, and Sent up with *Eager* and *Rices's* Petition.

A Bill Entitled, *An Act for Granting unto His Majesty several Rates and Duties of Impost and Tunnage of Shipping.* Read a First Time. [18]

Mr. Secretary *Willard* brought down from His Honour, a Journal He lately received from Col. *Westbrook*, and the Commanding Officers Eastward, of their Proceedings, with an Accompt of the Well, Sick and Wounded there. And also of the Deserters from His Majesty's Service in those Parts.

Voted, That *Joseph White* Esq; Mr. *Whitemore*, Mr. *Stone*, and Mr. *Sanders* be a Committee to consider of some suitable Methods for the Regulating the Distilling of Rhum in this Province, and Report what they think proper for this Court to do thereon.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Martis Die 11. Junij, A. D. 1723.

A Petition of *John Martyn* late a Souldier under the Command of Col. *Westbrook*, setting forth that he had broken his Arm at *Kittery*, praying the Compassion of this Court for his Relief. Read.

Ordered, That Mr. *Ezekiel Lewis*, *Charles Chambers*, *Elisha Cooke*, *Jonathan Remington*, and *William Dudley* Esqrs. be a Committee to Examine Mr. Treasurer *Allen's* Accompt, and make Report thereof to the House.

The Journal of Col. *Westbrook*, and the Commanding Officers Eastward, with the Accompt of the Well, Sick and Wounded, Dismiss'd, and Deserters.

Read, And Sent up.

A Bill Entitled, *An Act for Granting unto His Majesty several Rates and Duties of Impost and Tunnage of Shipping.* Read a Second Time.

A Petition of *Thomas Fish* of *Duxborough*, shewing that his Son was drown'd Sept. 22. 1722. in a Sloop stranded at *Nantasket*, who had with him about *l.26* Bills of Credit mostly on this Province, praying this Court would allow him for the Bills so lost. Read. And the Question was put, *Whether any Allowance should be made to the Petitioner?* It pass'd in the Negative.

Mr. *Cooke* from the Committee for Petitions, Reported, *viz.*

On the Petition of *Elizabeth Stratton*, the Committee are of Opinion, that the Sum of *Forty Pounds* be allowed and paid out of the publick Treasury, to the

Petitioner *Elizabeth Stratton*, to enable her to pay the Doctors Bills, and to pay the Charge she has been at in Nursing and Attending her late Husband, during his long Illness, occasioned by the Wound he received from the Indian Enemy.

Read and Accepted. And

Resolved, That the Sum of *Forty Pounds* be allowed and paid out of the publick Treasury accordingly. Sent up for Concurrence.

On the Petition of *Patience Copp*, The Committee are of Opinion, that the Petition be allowed, and that the Petitioner have leave to bring in a Bill accordingly. Read and Accepted. Sent up for Concurrence.

On the Petition of Dr. *John Perkins* of *York*, The Committee are of Opinion, that the Sum of *Twenty One Pounds*, and *Nine Shillings*, be allowed and paid out of the pulick Treasury to the Petitioner *John Perkins*, in full for the Cure within mentioned. Read and Accepted. And

Resolved, That the Sum of *Twenty One Pounds* and *Nine Shillings*, be allowed and paid out of the publick Treasury, to Dr. *John Perkins* accordingly.

Sent up for Concurrence.

On the Petition of *Richard Dole Jun.* The Committee are of Opinion, that the Sum of *Two Pounds*, *Ten Shillings & two Pence*, be allowed and paid out of the publick Treasury (to discharge this Accompt,) to the Accomptant *Richard Dole*, unless the *Twenty nine Shillings* be already paid, then to be deducted.

Read and Accepted. And [19]

Resolved, That the Sum of *Two Pounds*, *ten Shillings*, & *two Pence*, be allowed and paid out of the publick Treasury to the Accomptant *Richard Dole*, to discharge his Accompt, it appearing by a Certificate under Mr. Treasurer's Hand, that the *Twenty nine Shillings* is not as yet allowed and paid.

Sent up for Concurrence.

A Petition of *John Huggins* of *Springfield*, praying that he may have some allowance made him for a Cold he got in *Scouting* in the Year 1712. which settled in his left Hip. Read. And the Question being put, *Whether any Allowance be made to the Petitioner?* It passed in the Negative.

Nathaniel Payne Esq; brought down a Petition of *Samuel Bayley* of *Boston* and *Deliverance* his Wife, setting forth that they had brought an Action of Trespass and Ejectment at the Inferiour Court in *Boston*, *April 1720.* against *Joseph Bass* of *Dorchester* for the Recovery of certain Lands, which was heretofore the Estate of *John Smith* of *Dorchester* Father of said *Deliverance*, said Action being dismiss'd for the Plaintiffs failure in appearing through the Insufficiency of a Power of Attorney, which he thought might be sufficient, praying they may be enabled by a private Act to bring forward their Suit without Objection as to time against the sufficiency of the Power of Attorney, &c. Passed in Council, viz.

In Council *June 11th 1723.* Read and *Ordered*, That the Petitioners forthwith serve *Joseph Bass* with a Copy of this Petition, that so he may give in his Answer

in Writing (if he see Cause) on or before the 18th of this Instant *June*, and give his Reasons (if any he have) why the Prayer of the Petition may not be granted.

Sent down for Concurrence. Read and Concurr'd.

Nathaniel Norden Esq; brought down a Petition of *Richard Henschman* of *Boston*, shewing that he was allowed to be a Retailer in *Boston*, but had not paid the Commissioner of Excise, till the time Elapsed for renewing Licences, and by his Neglect his Licence was become void, praying he may be enabled to renew his Licence. Pass'd in Council, *viz.* In Council *June 11. 1723.* Read, and in Answer to this Petition, *Ordered*, That the Select Men of the Town of *Boston* and the Justices of the Peace for the County of *Suffolk* (at their next General Sessions) be and hereby are Authorized and Impowered to Grant unto the Petitioner a Licence to Retail Strong Drink, if they see convenient. Provided he first satisfy the Commissioner of Excise for the Duty of Excise remaining unpaid. Any Law, Usage or Custom to the Contrary Notwithstanding.

Sent down for Concurrence. Read and Concurred.

John Wheelwright Esq; brought down a Report of the Committee appointed to enquire into the Matter contained in the Petition of *Francis Bowman*, &c, Executors to the Will of the late Reverend Mr. *Samuel Angier* deceased, pass'd in Council, *viz.* In Council, *June 11. 1723.* Read and *Ordered*, That *Francis Bowman* Esq; serve the Committee of the Western (formerly the Middle) Precinct of *Watertown*, whereof the Reverend Mr. *Samuel Angier* was late Minister with a Copy of this Report, That so they may shew cause on Fryday the 21st Instant, why the said Precinct should not be Ordered to pay the Executors of the said *Samuel Angier* deceased, the Sum of *l. 109 18s. 7d.* herein reported to be due to his Estate. Sent down for Concurrence. Read and Concurr'd.

Resolved, That this House will on Fryday next proceed to the Proportioning the several Towns within this Province to a Tax of *One Thousand Pounds*.

A Petition of the Representatives of the Towns of *Cambridge*, *Newton* and *Lexington*, praying they may have some Assistance to enable them to keep in good Repair, the Great Bridge over *Charles-River* in the Town of *Cambridge*, for the Reasons therein mentioned. Read, and the Question being put, *Whether the Prayer of the Petition should be granted?* It pass'd in the Negative. [20]

Post Meridiem.

A Petition of *William Hamilton* and others of *Brimfield* as entred the 5th. Instant, Read: Also a Report of the Committee appointed to enquire into the Grievances imposed on the Inhabitants there. Read, And thereupon

Voted, That the whole Power Trust and Authority (reposed by this Court) in Capt. *Thomas Colton*, Mr. *Stebbins*, Mr. *Glover*, and Mr. *Morgan* as a Committee for the Town of *Brimfield*, be and hereby is declared null and void. And that

John Chandler and *Henry Dwight* Esqrs. and *Mr. Joseph Jennings* be a Committee, and hereby are Constituted and Appointed in the Room and Stead of *Capt. Colton* and others the former Committee, to carry on and perfect the Settlement of said Town in all respects agreeable to the true Intent and Meaning of the General Court in making *Brimfield* a Township, Anno having special regard to the Original Proprietors, and that the Committee report to this Court the Number of the Grants, and the Names of the Grantees, that exceed the Limitation made by the General Court; And that *Mr. Peletiah Glover* of *Springfield* the present Clerk of said Town, who has the Book and all the Papers of Grants, &c. of said Town, be and hereby is directed and Ordered, to deliver said Book and Papers to the abovesaid Committee, that so a fair Record may be made of all the Proceedings made by and in behalf of said Town. The Charge of the Committee to be born by the Inhabitants of *Brimfield*.

Sent up for Concurrence.

Addington Davenport Esq; brought down the Report of the Committee for Appointing a Place for Setting a Meeting House in the Precinct made out of the Towns of *Middleborough* and *Taunton*, with a Vote of Council thereon, viz. In Council *June 11. 1723*. Read and Ordered, That this Report be Accepted, That the Meeting House for the New Precinct in *Middleborough* and *Taunton* be placed accordingly. Sent down for Concurrence. Read and Concurr'd.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Mercurii 12. Die Junij, A. D. 1723.

A Petition of the Committee of the Inhabitants of *Charlestown* on the North side of *Mystick* River, praying for Relief about the Support of the Ministry and School, &c. referr'd to this Session. Read and Ordered, That *Col. Bourne*, *Mr. Edward White*, and *Col. Dudley*, with such as the Honourable Board shall Appoint, be a Committee to Repair to that part of *Charlestown* lying on the North-side of *Mystick* River, and View and Enquire into the Scituation and Circumstances of the Petitioners, and make Report of what they think proper for this Court to do thereon, at the Charge of the Petitioners.

Sent up for Concurrence.

John Otis Esq; brought down a Bill Entitled, *An Act for Limitting and Regulating the Proceeding of the Judges of Probate, and for Granting Letters of Administration in the respective Counties of the Province in their granting of Administration on such Estates, as have not been Administred on already, commonly called Administrations* debonis non. Passed on in Council three several times, and Voted,

That the same be Engross'd.

Sent down for Concurrence.

Read a first time. [21]

Benjamin Lynde Esq; brought down an Accompt of the Committees Charge

about settling the Place of the Meeting House, at the new Precinct erected out of *Middleborough* and *Taunton*, amounting to *l. 4 10 s.* with a Vote of Council, *viz.* In Council *June 12th, 1723.* Read. And

Ordered, That this Accompt be allowed, and that the new Precinct of *Middleborough* and *Taunton*, take Care to see the same forthwith paid to the Accomptants. Sent down for Concurrence. Read and Concurr'd.

Sent up.

Isaac Winslow Esq; brought down the Vote of the House on the Report of *Brimfield* Committee about Grievances, &c. with a Vote of Council.

In Council *June 12th 1723.* Read and Concurred. And the said Committee are impowered and directed to appoint a Clerk, for the said Town, who shall be under Oath. Sent down for Concurrence. Read and Concurred.

A Petition of *Isaac Little* Esq; shewing that he had reviewed an Action of the Case at the Superiour Court in *Plymouth, 1720.* against *Joseph Mallinson*, that he had omitted putting in an Accompt of his disbursements, for want of which, the Jury could not but find damages against him, praying he may be allowed Liberty for a rehearing of said Cause at the next Superiour Court in the County of *Plymouth*, that he may then put in said Accompt, that so Equity may accrue to him. Read.

Post Meridiem.

A Bill Entitled, *An Act in Addition to, and for rendring more Effectual, An Act made in the Tenth Year of the Reign of King William the Third, Entitled, An Act for preventing of Trespasses.* Read a first time.

A Petition of the Town of *Plympton*, praying that whereas they were rais'd above their Proportion the last Year in the Province Tax, for default of sending a Representative, they may this Year be reduced to their Proportion as heretofore. Read.

A Message from the Board by *John Cushing* Esq; *viz.* In Council *June 12th 1723.*

Ordered, That *Penn Townsend, Thomas Hutchinson, Edmund Quincey* and *Adam Winthrop* Esqrs; with such as the Honourable House of Representatives shall join, be a Committee to consider the subject matter of a Letter from Mr. Agent *Dummer*, to Mr. Speaker *Clark*, and another to Mr. Secretary, dated *March 16th 1722.* which was brought down with the Message.

Sent down for Concurrence. Read and Non-concurred.

Resolved, That *William Dudley* Esq; Capt. *William Throop* and *John Quincey* Esq; be a Committee to whom the Bill in Addition to the *Act for preventing Trespasses* is committed, to consider of the same, and report what they think may be necessary to be done upon, or added to said Bill.

Mr. Sheriff *Dennison* was Admitted into the House and made his Excuse, that it was Illness of Body, and Indisposition of his Family, that hindred [22] him from making his Appearance before this House 'till now, to give an Account of his not returning the Precepts as required, and declared that it was entirely through his Forgetfulness and nothing else, that he was guilty of so great an Omission and Neglect, and pray'd the House would be pleas'd to overlook his Fault, and then withdrew.

Ordered, That Mr. Speaker be desired in the Name of the House to Admonish Mr. Sheriff *Dennison* for his great Fault, and Neglect of his Duty in not returning the Writ and Precepts for the County of *Essex*.

Mr. Sheriff was admitted into the House a Second time, and Mr. Speaker Admonished him according to Order, and acquainted him, that the House expects he pay all Charges arising from and occasioned by his not doing his Duty, and that they expected a more careful Attendance of it from him for the future; and then withdrew.

Samuel Partrigg Esq; brought down a Muster-Roll of Capt. *Samuel Barnard*. Passed on the last Session of this Court, accompany'd with a Memorial of Col. *Partrigg*, That this Court would order the Payment of *l.17 7s. 8d.* Value supply'd said *Barnard* and Company, which was not allowed in his Roll. Pass'd in Council, *viz.* In Council *June 12. 1723.* Read, And Sent down Recommended.

Resolved, That this House will on Wednesday next proceed to the proportioning the several Towns within this Province, to a Tax of *One Thousand Pounds*.

Resolved, That this House will on Saturday next enter into the Consideration (then to be argued upon and debated) whether it will not be for the Honour and Interest of the House of Representatives as well as the Province they Represent, to have an Agent to appear for them at the Court of *Great Britain*.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock.

VOTES

Of the House of Representatives.

Luna Die 13. Junij A. D. 1723.

THE Memorial of Col. *Partrigg* brought down last Night. Read, and Committed to the Committee for Petitions.

A Letter Signed *Anthony Sanderson*, directed to Mr. Speaker, Dated *Whitehall, February 15th. 1722, 3.* Read.

A Bill Entitled, *An Act for Limiting and Regulating the Proceedings of the Judges of Probate in their Granting Letters of Administration, &c.*

Read a Second Time.

An Accompt Signed *Daniel Powning*, amounting to the Sum of *l.100 18s. 6.* for Charges in looking after the Powder-House, the Ballance of which being in favour of the Accomptant *l.39 18s. 6d.* was Read. And

Resolved, That the Sum of *l.39 18s. 6d.* be allowed and paid out of the Publick Treasury to Mr. *Daniel Powning*, in full Discharge of his Accompt to the first of this Instant *June.* Sent up for Concurrence.

Mr. Secretary *Willard* brought down a Letter from the Commissioners at *Albany*, Dated *Albany June 5th. 1723.* Nine at Night. Which was read.

A Petition of the Select-Men of the Town of *Brookfield*, praying that the Lands of the Non-Residents of said Town may be subjected to pay a Proportionable part of the Rates and Taxes of said Town, for the Reasons therein mentioned.

Read.

Mr. *Lewis* from the Committee appointed to Audit the Treasurer's Accompts, Reported, That they had attended the Order of the House, and performed that Service, and find that Mr. Treasurer's Accompts are right Cast, and well Vouch'd.

By Order of the Committee, *Ezekiel Lewis.*

The Accompts of *Jeremiah Allen Esq;* Treasurer and Receiver-General of the Province of the *Massachusetts Bay* in *New-England*, beginning 31st of *May, 1722.* and continued unto 31st. of *May 1723.* Amounting to the Sum of *One Hundred Forty Seven Thousand, Seven Hundred & Ninety Nine Pounds, Five Shillings and Six Pence*, having been presented and laid before the House of Representatives, and Inspected by said House, by which it appears that there was outstanding the 31st. of *May 1723.* *Two Thousand Five Hundred Seventy Four Pounds, Seven Shillings and Eight Pence half Penny* of the Taxes, *Forty Eight Thousand, Seven Hundred and Nineteen Pounds* of the *l.50000* Loan, and *Thirty Five Thousand, Nine Hundred, Forty Five Pounds, Fourteen Shillings, & one Penny*, Neet Province Bills, and *Twelve Thousand & Seventeen Pounds, Thirteen Shillings, Nine Pence half Penny*, with *Five per Cent* thereon in the Treasury, farther to be accounted for.

Voted, That the said Accompt in the several Articles of Receipts and Payments therein mentioned, amounting to the Sum of *Forty Eight Thousand, Five Hundred, Forty Two Pounds, Nine Shillings & Eleven Pence*, be and hereby are allowed of; And the said Treasurer is hereby discharged of the said Sum of *Forty Eight Thousand, Five Hundred, Forty Two Pounds, Nine Shillings, & Eleven Pence*.

Sent up for Concurrence.

The Committee for Auditing the Treasurer's Accompt, reported several Articles, which were Voted by the House to be Grievances. And Sent up. [24]

Post Meridiem.

Joseph Hammond Esq; brought down the Petition of the East End of the North Precinct in *Bridgewater*, praying that they may be set off a Separate Precinct for the reasons therein contained, with a Vote of Council thereon, *viz.* In Council *June 13th. 1723. Ordered*, That *Isaac Winslow* and *Samuel Thaxter* Esqrs; with such as the Honourable House of Representatives shall appoint, be a Committee to repair to *Bridgewater* in the Recess of the Court, and hear the Pleas and Allegations of all Parties, and view the Town, and consider the Scituation & Circumstances of the several Parts thereof, and make Report whether they judge it reasonable that the East End of the North Precinct be set off as a Separate Precinct, and if so, whether any or all of the Thirteen or Fourteen Families, pray'd for from the South Precinct, ought to be added to them, and by what Lines or Bounds the said East Part should be set off. The Charge to be paid by the Inhabitants of the East End of the North Precinct, who are the Petitioners.

Sent down for Concurrence. Read, And

Ordered, That *Josiah Cotton*, *Isaac Little* and *John Quincey* Esqrs. be added to the Committee for the Ends and Purposes abovesaid. Sent up.

John Appleton Esq; brought down the Petition of the Inhabitants of *Charlestown* on the North side of *Mystick-River*, desiring the House would Reconsider their Vote thereon, for that an Answer to the Subject-matter of said Petition was laid before the Board, which was brought down with the Petition.

A Petition of *Arthur Savage*, praying he may be enabled by a private Act, to bring forward a Writ of Review of an Action of Debt in the Name of *Ruth Marriner*, Surviving Administratrix of *William Penny* deceas'd, originally brought by *Margaret Pastre* Widow & Executrix of *George Hollard* deceas'd, against the said *Ruth Marriner* in her said Capacity for the Reasons therein assigned, The Action of Review heretofore brought by said *Pastre* notwithstanding, The Petitioner's Interest being Affected by the Event of said Action.

Read, and Committed to the Committee for Petitions.

A Petition of *Thomas Fayrweather*, shewing that the General Court did in the Year 1656, Grant to Mr. *Dean Winthrop* a Thousand Acres of Land, One half

whereof was laid out by Order of Court *Anno* 1658. and return made of the same, that it lies on *Pawcatuck River*, and that Mr. *John Paine* deceas'd, Grandfather of the Petitioner exchange'd 500 Acres of Land with the said Mr. *Winthrop* for the Acres on *Pawcatuck River*, which is in the Township of *Westerly* in the Colony of *Rhode Island*, and is claimed by the present Possessors thereof by virtue of an Indian Purchase *Anno* 1662. Praying that as the said Grant was made by the General Court to Mr. *Winthrop*, and not yet laid out in any part of this Province, That it may be now laid out to the Petitioner as he has Purchased the whole of the said 500 Acres in his own Right of Mr. *Winthrop's* Heirs.

Read, and the Question was put, *Whether the Prayer of the Petition should be Granted?* It pass'd in the Negative.

A Petition Signed *George Phillips*, praying that Two Parcels or Lotts of Land lying within the Township of *Brookfield* may be confirmed to him for the Reasons Alledged in the Petition. Read and Rejected.

A Bill Entitled, *An Act in Addition to An Act directing the Admission of Town Inhabitants, &c.* Read a First time.

A Bill entitled, *An Act for granting to His Majesty several Rates and Duties of Impost and Tunnage of Shipping.*

Read a Third time, and pass'd to be Engross'd.

Sent up for Concurrence.

Ordered, That a Message be sent up to the Honourable Board by Mr. *Stone*, to Enquire what has pass'd on the Memorial of Mr. *Payne* late Clerk of the House, Who returned that the Vote of the House was *Non-Concurr'd.* [25]

Ordered, That Mr. *Cooke*, Mr. *Dudley*, and Capt. *Nowell* be a Committee to Enquire into the State and Affair of the Loggs formerly cut within the Township of *Berwick*, in the County of *York*, and Report what they think proper for this Court to do thereon.

Voted, That Capt. *Plaisted* go up to the Board, and desire, That the Memorial of Mr. *Payne* may be sent down.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Veneris 14. Die Junij, A. D. 1723.

A Bill Entitled, *An Act for Limiting and Regulating, the Proceedings of the Judges of Probate, and for Granting of Letters of Administration in the respective Counties of the Province on such Estates as have not been fully Administred on, commonly called Administrations de bonis non.*

Read a Third Time, and pass'd a Concurrence. Sent up.

A Bill Entitled, *An Act in Addition to the Act directing the Admission of Town Inhabitants, &c.* Read a Second Time.

A Petition of *Daniel Tucker*, praying the Compassionate Consideration of this

Court for Relief, for a Wound he received in the Service of this Government sometime since. Read, and in Answer to this Petition,

Resolved, That a Stipend of *Fifty Pounds* per Annum be Allowed and Paid out of the Publick Treasury to Serj. *Daniel Tucker*, 'till the further Order of this Court, he bearing his own Charge for Physick, Chyrurgery and Nursing.

Sent up for Concurrence.

Mr. Secretary *Willard* brought down a Letter Signed *Wm. Tailer & Spencer Phipps*, dated *Cambridge, June 13th, 1723*.⁵ Afternoon, with a Message, that His Honour thought proper to Communicate the same to the House.

A Petition of *Hugh Pike*, praying for some Allowance for a Wound he received in the Service of this Government at *Port-Royal*. Read, and in Answer to said Petition,

Resolved, That the Sum of *Ten Pounds* be allowed and paid out of the Publick Treasury to *Hugh Pike* in Consideration of the Wound he received in the Service of the Government. Sent up for Concurrence.

A Petition of *John Johnson* and others, Inhabitants on a certain Farm called *Johnson's Farm*, Adjoyning to the Township of *Marlborough*, praying that as they have always attended the Publick Worship of GOD in *Marlborough*, and paid their Proportion towards the Support of the Ministry there, they may be annexed to the said Town of *Marlborough*, to do Duties, and Enjoy Priviledges, as other Inhabitants of said Town. Read.

Penn Townsend Esq; brought down the Memorial of several of the Inhabitants of *Boston*, &c. as Entred the Eighth Currant, with a Vote of Council, *viz.* In Council, *June 13th. 1723*. Read and Non-Concurred, And *Ordered*, That the Petitioners have leave to bring in a Bill for Enlarging the Time set (in the *Act to Limit Credit in Trade*) for Settling Accompts, and bringing Actions for Book Debts. Sent down for Concurrence. Read and Concurred.

Sent up.

A Petition of *Richard Bourn* of *Sandwich*, praying that he may be allowed *Three Pounds* for going Express to the Governour and Council by Order of Col. *Basset* in the Year 1721. to give an Account of a Pyrate Vessel in *Tarpolin-Cove*,

Read, and *Resolved*, That the Sum of *Three Pounds* be allowed and paid out of the Publick Treasury, to *Richard Bourn* the Petitioner, in full discharge of his going Express as abovesaid. Sent up for Concurrence. [26]

A Petition Signed *Daniel Pecker*, Lieut. under Capt. *Edmund Ward*, shewing that on his coming to *Boston* in the Fall of the Year (by Water,) upon a Furlow, The Sloop was Foundered in her Passage, That he had on Board in Cloathing, Fire Arms and other Accoutrements to the Value of *Fifty Pounds*, praying for some Allowance for his Loss. Read,

And the Question being put, *Whether the Prayer of the Petition should be Granted?* It pass'd in the Negative.

A Petition of the Town of *Dighton*, as Entred the 8th. Currant. Read again, and after some Debate being had, the Question was put, *Whether the Prayer of the Petition should be Allowed?*

It pass'd in the Negative.

A Petition of the Select-Men of *Brookfield* as Entred Yesterday. Read again, and the Question was put, *Whether the Prayer be Granted?*

It pass'd in the Negative.

Voted, That it is necessary to have a New Impression of the Laws of this Province, now in Force. And that *Jonas Bond*, *Jonathan Remington* and *John Menzies* Esqrs; be desired to treat with Mr. *Benjamin Eliot* or any other Stationer, to know on what Terms they will undertake the Impression.

Post Meridiem.

A Bill Entitled, *An Act for Repealing several Paragraphs or Sections of An Act Entitled, An Act for the further Encouragement and Regulation of the Officers and Soldiers in His Majesty's Service and Pay of this Government.*

Read a First Time.

Ordered, That Col. *Dudley*, Mr. *Remington*, Mr. *Lewis*, Major *Quincey* and Capt. *Osgood* be a Committee to Examine the several Muster-Rolls that may be presented to this Court (in the present Session thereof) for Payment, and make Report thereon as they come before them what they think proper to be done on them respectively.

Ordered, That Capt. *Epes* go up to the Honourable Board and desire the Muster-Roll of Lieut. *William Hilton* may be sent down. Said Roll was brought down, and Committed to the Committee for Muster-Rolls.

A Message from His Honour by Mr. Secretary, That the Commissioners were returned from *Albany*, and were preparing an Account of their Proceedings, which His Honour would order to be laid before the House.

Samuel Partrigg Esq; brought down a Petition of *Samuel Comstock* of *Providence* for himself and Sundry other Inhabitants of said Town, praying that Six Farms containing about Nine Hundred Acres of Land, which they Petition'd for Anno 1719, may be confirmed to them for the Reasons Alledged in the Petition. Passed in Council, viz. In Council *June 14th. 1723*. In Answer to this Petition: It appearing by the return of the Plat of the Town of *Mendon*, Surveyed by *Samuel Thaxter* Esq; that the Nine Hundred Acres of Land Petitioned for does not fall within the Grant of the Town of *Mendon*. *Ordered*, That the said Land as laid out to *Samuel Comstock* and His Associates, be and hereby is Allowed and Confirmed to them, their Heirs and Assigns for ever, Provided, that it exceed not the Quantity of Nine Hundred Acres, and that the said *Samuel Comstock*, and his Associates make a reasonable Allowance for any Buildings, Fences or other Im-

provements made on the said Land by any of the Inhabitants of *Mendon*, the same to be Valued upon Oath by Indifferent Persons.

Sent down for Concurrence. [27]

A Petition of *Oliver Peabody* of *Natick*, praying that he may have leave to take up Twenty Acres of Land for an House Lot, (part of Thirty Acres) laid out to *John Thomas*, and afterwards Granted to the Petitioner by the Proprietors of *Natick*, with a Vote of Council thereon, *viz.* In Council *June 14th. 1723.* Read, and *Ordered*, That the Prayer of the Petition be Granted.

Sent down for Concurrence. Read and Concurred. Sent up.

A Petition of the Proprietors and Inhabitants of *Northfield* in the County of *Hampshire*, praying they may have the Priviledges and Immunities of other Towns in this Province. Read, and *Ordered*, That the Town of *Northfield* be and hereby is Authorized and Impowered to Have, Use, Exercise, and Enjoy all such Powers, Priviledges and Immunities, which other Towns Have, Use, Exercise and Enjoy. And that Capt. *Benjamin Wright*, and Lieut. *Eleazer Wright*, two of the Principal Inhabitants of the said Town are hereby directed and impowered to Notify and Summons the Inhabitants, duly qualified for Voters to Assemble and Meet together for the Choosing Town Officers, to stand until the next Annual Election according to Law. Sent up for Concurrence.

Ordered, That *William Dudley* and *Jonathan Remington* Esqrs; be a Committee to prepare a Bill for the better Regulating Town-Meetings for the Choice of Jury-Men and Support of Jurors.

A Petition of the Town of *Hadley*, praying for a Tract of Land lying nigh *Mount Holy-oke* (which is in the said Town of *Hadley*) under such Restrictions as this Court shall think fit.

Read, and Committed to the Committee for Petitions.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Sabbati Die 15. Junij, A. D. 1723.

A Petition of *Thomas Glover* of *Springfield*, praying for some Compensation for Damages he received in the Year 1712. by Powder, which was blown in his face by an Indian. Read, And the Prayer of the Petition being put, *Whether any thing should be Allowed?* It pass'd in the Negative.

Ordered, That *William Dudley* Esq; go up to the Honourable Board and inquire, whether the Journal of the Commissioners that went to *Albany*, is likely to come down this Forenoon, and also that the Board would send down Mr. *Payne's* Memorial, who returned, That the Journal was not likely to come down before Monday, for that several things of other Concerns were intermixed with it, and that it was sent to a Scrivener to be drafted fair.

Ordered, That Mr. *Cooke*, Capt. *Epes* and Capt. *Throop* go up to the Board,

to desire the Journal of the Commissioners may be sent down as it is, for the perusal of the House, for that the House are of Opinion, it will very much expedite the Business of the Court, to have the Account of their Proceedings this Morning.

William Tailer and *Jonathan Belcher* Esqrs. brought down the Journal of the Commissioners that went to *Albany*. Which was Read.

Nathaniel Norden Esq; brought down Mr. *Payne's* Memorial. [28]

A Petition of *Allason Brown* Representative of the Town of *Arundel*, praying for some Support towards the Maintaining of their Minister, they being reduced to low Circumstances by the Indian War.

Read, and Committed to the Committee for Petitions.

A Muster Roll of the Sloop *Endeavour*, a Transport Sloop in His Majesty's Service Eastward, *Jacob Parker* Master.

Read, and Committed to the Committee for Muster-Rolls.

Whereas the Act for ascertaining the Number, and Regulating the House of Representatives, made in the fourth Year of the Reign of King William and Queen Mary, gives the House of Representatives full Power and lawful Authority to impose a Fine of Five Shillings, per diem, upon any Member that does not give his Constant Attendance during their Session, and that what Mr. Payne did in granting a Warrant against Capt. John Alden was by Express Order of the House of which the said Alden was then a Member. Therefore,

Resolved, That the *Votes, Orders and Resolves* of the House of Representatives, or any thing done pursuant thereto, agreeable to this Law cannot be tryable before any Court of Common Pleas, in the Province of the *Massachusetts-Bay*.

A Petition of Col. *Melatih Bourne*, Representative of the Town of *Sandwich*, praying that the Choice that Town made of *Joseph Swift* for Constable of said Town, (at their Annual Meeting in *March*) for Town Officers for the Year ensuing, may be made Good and Valid for the Reasons therein mentioned.

Read. And,

Resolved, That the Choice First made by the Town of *Sandwich* of *Joseph Swift* for a Constable in *Sandwich* for this Year is Good and Valid, And that the said *Joseph Swift* is hereby declared Constable of the Town of *Sandwich* for the Year 1723. and until another be Chosen in his Stead. Any Law, Usage or Custom to the Contrary notwithstanding. Sent up for Concurrence.

Resolved, That the Consideration of the Agency appointed to be Argued on this Day, shall be Argued on and Debated next Thursday.

And then the House Adjourn'd till Monday next Three a-Clock, Afternoon.

BOSTON: Printed by *Bartholomew Green* and *Samuel Kneeland*,
Printers to the Honourable House of Representatives. 1 7 2 3.

VOTES

Of the House of Representatives.

Unæ Die 17. Junij, A. D. 1723. P. M.

A Bill Entitled, *An Act for the relief of Creditors, and granting a farther time for Adjusting their Accompts, and Recovering their Dues from their several Debtors than is Expressed in an Act Entituled, An Act for the Regulation and Limiting Credit in Trade, Made in the Fourth Year of His present Majesty's Reign.* Read a First Time.

Ordered, That Mr. *Lewis* go up to the Board, and desire that the Journal of the Commissioners may be sent down.

A Bill Entitled, *An Act in Addition to the Act directing the Admission of Town Inhabitants.* Read a Third time, And pass'd to be Engross'd.

Sent up for Concurrence.

Joseph Hammond Esq; brought down the Report of the Committee about Mr. *Samuel Angier* dec. his Estate, with a Message that Mr. *Bowman* was not timely Apprized of the Order on the Report, And a Vote of Council, viz. In Council June 17. 1723. *Ordered*, That the Committee of the Western Precinct in *Watertown* give in their Answer to this Report on the Second Wednesday of the next Fall Sessions. Sent down for Concurrence.

Voted, That Mr. *Tay* go up to the Board, and desire that Mr. *Bowman's* Petition respecting the Estate of the late Rev. Mr. *Samuel Angier* may be sent down.

A Bill Entitled, *An Act for Repealing several Paragraphs or Sections in the Act for the Encouraging and Regulating Soldiers, &c.* Read a Second time.

A Memorial of *Paul Dudley* Esq; and others the Committee appointed to Sell a parcel of Land nigh *Mendon*, with an Accompt of the Land Sold, was presented.

Read and Accepted, and

Resolved, That the Sum of *Seven Pounds*, and *Ten Shillings* be allowed and paid out of the Publick Treasury to *Paul Dudley & John Quincey* Esqrs. and Mr. *Benj. Whittemore*, in full for their Time in Selling the above-mentioned Land, and the said Committee are hereby discharged.

Addington Davenport Esq; brought down an Engross'd Bill, Entitled, *An Act for Limiting and Regulating the Proceedings of the Judges of Probate in the several Counties in their Granting Letters of Administration on such Estates as have not been fully Administred on, commonly called Administrations de bonis non.* Read, And

Resolved, That the Bill pass to be Enacted.

An Engross'd Bill Entitled, *An Act for Granting unto His Majesty several Rates and Duties of Impost & Tunnage of Shipping.* Read, And

Resolved, That the said Bill do pass to be Enacted.

Sent up by Col. *Spurr*, Mr. *Phillips*, and Mr. *Knowles*.

A Bill Entitled, *An Act for the better Regulating Indians, Negroes, and Molattoes, and preventing many mischievous Practices which the Indians, Negroes & Molattoes have of late in a most Audacious manner to the great Disturbance and grievous Damage of His Majesty's Good Subjects, more especially in the Town of Boston addicted themselves unto.* Read a First time.

The Commissioners that went to *Albany* were Admitted into the House, and laid on the Table the Journal of their Proceedings fairly Transcribed, and withdrew.

A Muster Roll of the Sloop *Virgin*, a Transport in His Majesty's Service, Eastward, *Caleb Pratt* Master.

Read and Committed to the Committee for Muster-Rolls.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock. [30]

Martis Die 18. Junij, A. D. 1723.

THE Journal of the Commissioners that went to *Albany*, Read again.

Edward Bromfield Esq; brought down the Report of the Committee appointed in *November* last to repair to *Punkapaug*, and take into Consideration the Leases of the Indian Proprietors there, with a Vote of Council thereon, *viz.* In Council *June 17th. 1723.* The Board, taking into Consideration the Circumstances of the English and Indians at *Punkapaug*, respecting such Lands as the Indians have Leased to the English, Ordered, That *Paul Dudley* and *Samuel Thaxter* Esqrs. with such as the Honourable House of Representatives shall appoint be a Committee to repair to *Punkapaug* and enquire into the Nature and Condition of the said Leases, and that they make report of the Quantity and Quality of the Land possess'd by each Person, and under what Conditions and Regulations it may be proper for this Court to confirm the respective Leases, having equal regard to the Indian Right, and English Improvements. Sent down for Concurrence.

Read and Concurr'd with an Amendment, *viz.* The Charge to be born by the English Petitioners, and Ordered, That Mr. Speaker, Mr. *Remington*, and Mr. *Chambers* be added to the Committee. Sent up for Concurrence.

A Bill Entitled, *An Act for the Relief of Creditors, and giving a farther Time for Adjusting their Accompts, and recovering their Dues, &c.*

Read a Second Time.

It appearing upon reading the Journal of the Commissioners appointed to Treat with the Six Nations, that some of the *Sachems* of those Nations having waited on them, have desired that the Eastern Indians might be allowed and permitted under a Flagg of Truce to come into the Fort at *Richmond* or some other Fort or Garrison in the Eastern Parts, in order to be safely conducted to *Boston*.

Voted, That His Honour the Lieut. Governour be desired to give Orders to the Commanding Officer at *Richmond*, or any other the Forts or Garrisons Eastward,

to permit the Eastern Indians under a Flagg of Truce to come into the Fort at *Richmond*, or any other Fort or Garrison they may desire, in order to be safely conducted to *Boston* as soon as may be. Sent up for Concurrence.

Mr. *Cooke* from the Committee appointed to repair to *Castle-William* and the *Light-House*, and report what they think necessary to be done to Repair the Damages made there by the late Storm in *February* last, according to Order Reported what they judged necessary to be done to Repair those Damages, they having taken a view of the same. Read and Accepted, And

Ordered, That Mr. Speaker, Mr. *Cooke*, and Mr. *Chambers*, with such as the Honourable Board shall appoint be a Committee to take Care that the Damages there are Effected and Repaired accordingly. Sent up for Concurrence.

A Message by *Penn Townsend* Esq; from His Honour and the Honourable Board, That they desire the Journal of the Commissioners may be sent up.

Sent up by Mr. *Brown*.

Voted, That a Message go up to the Honourable Board, to desire Col. *Thaxter* to come into the House.

Col. *Thaxter* came down accordingly, and Mr. Speaker asked him some Questions about the Plat and Bounds of the Town of *Mendon*, which he Resolved, and then withdrew.

The Petition of *Samuel Comstock* and others, as Entred the 14th Instant, with the Vote of Council thereon. Read, and after a long Debate, The Question was put, *Whether the House would Concurr with the Vote of the Board on said Petition?*

It pass'd in the Negative. And [31]

Ordered, That there be laid out to *Samuel Comstock* and others his Associates the Petitioners at their Cost and Charge *Nine Hundred Acres* of Land in some unappropriated Lands of this Province, in full Satisfaction of the *Nine Hundred Acres* Petition'd for, (which is within the Township of *Mendon*) by a Surveyor and Chain-Men under Oath. And a Plat thereof to be returned to this Court within Twelve Months for Confirmation. Sent up for Concurrence.

Post Meridiem.

The Proprietors of the Town of *Sutton*, according to the Order of the Day, gave in their Answer to the Petition of said Town as Entred the 4th. Currant. The Parties were admitted into the House, and after Hearing their several Pleas and Allegations respecting the Petition, *Resolved*, That the Prayer of the Petition be so far Granted, That the Petitioners be allowed to bring in a Bill to Assess the Proprietors of the unimproved Lands in the Township of *Sutton* after the Rate of *One Farthing* per Acre for Three Years to come, for and towards the Support of the Ministry there, (the Lands belonging to the Indian Proprietors at *Hassanamisco* excepted,) and that the Inhabitants on the Four Farms mentioned

in the Petition (excepting *Richard Waters* inhabiting part of the Farm called Col. *Tailer's* Farm, who desires to belong to the Town of *Oxford*) be annexed to the Township of *Sutton*, so far as to be oblig'd to pay their Proportion to the Support of the Ministry in *Sutton*, during the pleasure of this Court.

Sent up for Concurrence.

A Bill Entitled, *An Act in Addition to the Act for the better Observation & Keeping the Lord's Day.* Read a First Time.

A Bill Entitled, *An Act in Addition to and for rendring more Effectual, An Act made in the Tenth Year of the Reign of King William the Third, Entitled, An Act for preventing of Trespasses.* Read a Second Time.

A Bill Entitled, *An Act for the better Regulating the Curing & Culling of Fish.* Read a First Time.

Mr. *Cooke* from the Committee for Petitions, Reported, *viz.*

On the Memorial of Col. *Partrigg*, The Committee are of Opinion, That the Sum of *l.17 7s. 8d.* which is already Subducted out of the Muster-Roll of Capt. *Barnard*, and remains in the Treasury, be allowed and paid out of the Publick Treasury to Col. *Samuel Partrigg*, to discharge the same Value supply'd by said *Partrigg* to the several Persons mentioned in said Roll.

Read and Accepted. And

Resolved, That the Sum of *l.17 7s. 8d.* be Allowed and Paid out of the Publick Treasury to Col. *Samuel Partrigg* in full Discharge for the like Value supply'd Capt. *Samuel Barnard* & Company as by said Memorial and Roll.

Sent up for Concurrence.

On the Petition of *John Blanchard*, The Committee are of Opinion, That the Sum of *Seven Pounds* be Allowed and Paid out of the Publick Treasury to the Petitioner *John Blanchard* in full for his Horse, and that *John Bemus* return the Bridle and Saddle to the Petitioner *Blanchard*, and if any Sum be due to the said *Bemus* for keeping his Horse, he bring in his Accompt, charging the Province therefor. Read and Accepted, And

Resolved, That the Sum of *Seven Pounds* be Allowed and Paid out of the Publick Treasury to *John Blanchard* the Petitioner, in full discharge and pay for the Horse mentioned in the Petition.

Sent up for Concurrence.

On the Petition of *Arthur Savage*, The Committee are of Opinion, that the Prayer of the Petition be Allowed, and the Petitioner have leave to bring in a Bill accordingly. Read, And

Ordered, That the Petitioner have leave to bring in a Bill agreeable to the Prayer of the Petition. Sent up for Concurrence. [32]

On the Petition of the Town of *Hadley*, The Representative of the Town of *Springfield* appearing, alledged the Land Petition'd for belong'd to that Town, The Committee are of Opinion, That the further Consideration of the Petition

be continued to the next Session, that the Town of *Springfield* may shew forth their Title, if so they can. By Order of the Committee, *Elisha Cooke*.

Read and Accepted.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Mercurii Die 19. Junij, A. D. 1723.

W*illiam Tailer Esq;* brought down a Memorial of *Robert Gray* Quarter Gunner at His Majesty's *Castle-William*, praying for some Consideration and Support for many Wounds received in the Service of this Government, particularly *the Loss of his Right Hand*. Passed in Council *June 19th, 1723. viz.*

Read and Sent down earnestly recommended.

Read, and Committed to the Committee for Petitions.

According to the Order of the Day, the House proceeded to Apportion the several Towns within this Province to a Tax of *One Thousand Pounds*.

Post Meridiem.

A Petition of *Ebenezer Larned* for himself and the Inhabitants of the Town of *Oxford*, praying that they may be allowed to bring in a Bill to revive a former Act for Taxing the Non-resident Proprietors of said Town, and that the Inhabitants of some neighbouring Farms may be annexed to them, to help pay their publick Charge, and Maintain the Gospel among them. Read. And,

Resolved, That the Prayer of this Petition be granted, and that the Petitioners have leave to bring in a Bill accordingly. Sent up for Concurrence.

A Bill Entitled, *An Act for Reviving and further Continuing several Temporary Acts, which by their respective Limitations are near determining and Expiring.*

Read a First Time.

A Bill Entitled, *An Act in Addition to and for rendring more Effectual An Act made in the Tenth Year of the Reign of King William the Third, Entitled, An Act for preventing of Trespasses.* Read a Third Time.

And the Question was put, *Whether the Bill should pass to be Engross'd?*

It pass'd in the Negative.

A Bill Entitled, *An Act for the Relief of Creditors and Granting a farther time for Adjusting their Accompts with, and recovering their several Dues from, their several Debtors than is Expressed in An Act Entitled, An Act for the Regulation and Limiting Credit, Made in the Fourth Year of His present Majesty's Reign.*

Read a Third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

A Bill Entitled, *An Act in Addition to the Act for the better Observation and Keeping the Lord's Day.* Read a Second Time.

A Muster-Roll of the Sloop George (*Peter Talbot* at present Master) a Transport in His Majesty's Service Eastward.

Read and Committed to the Committee for Muster-Rolls. [33]

A Muster-Roll of the Sloop Merry-Meeting, (*Thomas Saunders* Master,) a Transport in His Majesty's Service Eastward,

Read, and Committed to the Committee for Muster-Rolls.

A Bill Entitled, *An Act for Repealing several Paragraphs or Sections in An Act Entitled, An Act for the further Encouragement and Regulation of the Officers and Soldiers in His Majesty's Service and Pay of this Government.*

Read a Third Time.

And the Question was put, *Whether the Bill should pass to be Engross'd?*

It pass'd in the Negative.

Charles Frost Esq; brought down the Petition of *Ebenezer Larned*, pass'd in Council, viz. In Council *June 19th. 1723.* Read and Concurred, so far as that the Town of *Oxford* be impowered to lay a Tax of *Twenty Shillings* per Annum for Three Years next coming on every Thousand Acres of Land belonging to the Non-Resident Proprietors, and so in proportion for greater or lesser Quantities, for the Maintenance of the Ministry there, And that *Waters* and *Riches* Farms be added to *Oxford* so far as relates to the Support of the Ministry.

Sent down for Concurrence. Read and Concurr'd.

A Message from His Honour by Mr. Secretary, viz. Mr. Speaker, His Honour expects this House to Attend Him in the Council Chamber, on the Hearing appointed to be had this Day on the Petition of Mr. *Thomas Creaghead*.

Mr. Speaker and the House went up accordingly, and after the Hearing, with the House returned to their own Chamber.

A Bill Entitled, *An Act for the better Regulating the Curing and Culling of Fish.*

Read a Second Time.

Col. *Dudley* from the Committee for Muster-Rolls, Reported, viz.

On the Muster Roll of the Sloop Endeavour, *Jacob Parker* Master, The Committee having Examined the within mentioned Roll, find the same right Cast and well Vouch'd, and therefore are of Opinion, That the Sum of *One Hundred Forty Eight Pounds* be paid out of the Publick Treasury unto the said *Jacob Parker* and the Men inserted in the Roll as they stand Entred, in full Discharge thereof.

Read and Accepted, And

Resolved, That the Sum of *One Hundred & Forty Eight Pounds* be Allowed and Paid out of the Publick Treasury to the said *Jacob Parker* to be by him paid unto the Officers, Sailors and Owners of the said Sloop Endeavour, to whom it is respectively due, as by the Muster-Roll, in full Discharge thereof.

Sent up for Concurrence.

On the Muster-Roll of the Sloop Virgin, *Caleb Prat* Master, The Committee having Examined the within Muster-Roll of *Caleb Prat*, Master of the Sloop

Virgin, find the same right Cast and well Vouch'd, and therefore are of Opinion, That the Sum of *l.117 14s. 10d.* be paid out of the Publick Treasury unto the said *Caleb Prat* and the Men inserted in this Roll as they stand Entred, in full Discharge thereof. Read and Accepted, And [34]

Resolved, That the Sum of *One Hundred & Seventeen Pounds, Fourteen Shillings & Ten Pence* be Allowed and Paid out of the Publick Treasury unto the said *Caleb Prat* to be by him paid to the several Persons to whom the same is respectively due, as Entred in the within Roll, in full Discharge of the same.

Sent up for Concurrence.

On the Muster-Roll of Lieut. *William Hilton*, The Committee having Examined this Muster-Roll find it right Cast and well Vouch'd by the Oath of *Joseph Whipple* Clerk to the Company under the Command of *William Hilton* within mentioned, who declared on Oath that the several Men inserted on the other side were in Actual Service the time they stand Entred, wherefore the Committee are of Opinion, That the Sum of *Two Hundred Ninety Pounds, Three Shillings & Eight Pence*, it being the whole Neet Wages due on this Roll, be paid out of the Publick Treasury to the said *William Hilton*, Officers and Soldiers as the same stands Entred against their respective Names, in full Discharge of the within Roll.

William Dudley, by Order of the Committee.

Read and Accepted, And

Resolved, That the Sum of *Two Hundred Ninety Pounds, Three Shillings and Eight Pence* be Allowed and Paid out of the Publick Treasury to the Officers and Soldiers born on the within Muster-Roll, to whom the same is respectively due in full Discharge of the Wages thereof. Sent up for Concurrence.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock.

VOTES

Of the House of Representatives.

Jovis Die 20. Junij, A. D. 1723.

COL. *Dudley* from the Committee for Muster-Rolls Reported, *viz.*

On the Muster-Roll of the Sloop *George*, a Transport in His Majesty's Service Eastward, *John Stratton* late Master, The Committee having Examined this Muster-Roll of the Sloop *George*, *John Stratton* late Master, find it right Cast and according to Custom, are therefore of Opinion, That the Sum of *l.179 11s. 4d.* be paid out of the Publick Treasury unto the Executors or Administrators of the said *John Stratton* deceas'd, and the other Men Entred in this Roll, as they are inserted herein, in full discharge of the same.

Read and Accepted, And

Resolved, That the Sum of *One Hundred & Seventy Nine Pounds, Eleven Shillings & Four Pence* be Allowed and Paid out of the Publick Treasury to the Executors or Administrators of the said *John Stratton* deceas'd, and the other Men born on the within Roll in full Discharge of the Wages and Hire of said Sloop. Sent up for Concurrence.

On the Muster-Roll of the Sloop *Merry-Meeting*, The Committee having Examined the within Roll of the Sloop *Merry-Meeting*, *Thomas Saunders*, Master, find it right Cast, and according to Custom, Are therefore of Opinion, That the Sum of *l.243 15s.* be Allowed and Paid out of the Publick Treasury unto the said *Thomas Saunders* and the Men Entred in this Roll, in full Discharge hereof.

Read and Accepted, And

Resolved, That the Sum of *Two Hundred Forty Three Pounds & Fifteen Shillings*, be Allowed and Paid out of the Publick Treasury unto the said *Thomas Saunders* and the Men Entred in the within Roll, in full Discharge of the Hire and Wages thereof. Sent up for Concurrence.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Joseph Heath*, And

A Muster-Roll of the Company in His Majesty's Service under the Command of Col. *Eleazer Tyng*, Both Read, and Committed to the Committee for Muster-Rolls.

The Committee appointed to propose some Heads for the Regulating the Distilling of Rhum within this Province. Reported several Articles which they thought proper to be pass'd into an Act,

Sign'd *Joseph White* by Order of the Committee.

Read, and After some Debate thereon, *Resolved*, That the farther Consideration of this Report be referr'd to the next Fall Sessions.

A Bill Entitled, *An Act for Reviving and farther Continuing of several Temporary Acts, which by their respective Limitations are near Determining and Expiring.*

Read a Second Time.

Resolved, That *William Dudley*, *Elisha Cooke*, *Charles Chambers*, and *John Wainwright* Esqrs. and *Mr. Ezekiel Lewis*, be a Committee, (to whom the several Muster-Rolls that shall be presented to this Court in the present Session for Payment, and not pass'd on otherwise during the Session) to consider of all such Muster Rolls in the Recess of the Court, and Report what they think proper for this Court to pass thereon respectively at the next Session. [36]

Resolved, That *Mr. Lewis*, *Mr. Phillips*, *Mr. Wainwright* and *Mr. Treasurer Allen* be a Committee to Sit in the Recess of this Court, and take under Consideration the several Accompts of the Trustees and Commissioners of the 1.50,000 and 1.100,000 Pounds Loans, which have been presented for Allowance, and Report what they think proper for this Court to do thereon at the next Session.

A Petition Signed *Robert Spurr* and *John Quincey* Representatives of the Towns of *Dorchester* and *Brantrey*, praying that One or more suitable Persons may be appointed to run and mark out the Old Colony Line so called, agreeable to the Order of this Court in *November 1720*. Read and *Ordered*, That *Samuel Thaxter* Esq; be impowered and desired to do that Service. Sent up for Concurrence.

Voted, That a Message be sent to His Honour the Lieut. Governour by *Col. Dudley*, *Mr. Remington* and *Capt. Osgood* to desire His Honour would please to inform the House why the Forces in the Service and Pay of this Government are not reduced agreeable to the Resolve of the General Court at their last Session.

A Bill Entitled, *An Act for Regulating Indians, Negroes and Malattoes, &c.*

Read a Second Time.

Mr. Cooke from the Committee for Petitions, Reported, on the Petition of *Allason Brown*, as Entred the 15th. Currant, viz. In Consideration of the Small Number of Families the Town of *Arundel* are reduced to by the War, which disables them to continue and maintain the Preaching of the Gospel among them, which they have done for some considerable time past, and inasmuch as there are Garrison Soldiers posted in that Town, and at *Biddiford*, The Committee are of Opinion, That the Sum of *Forty Pounds* be Allowed and Paid out of the Publick Treasury to the Select Men of *Arundel* to encourage them to keep up and maintain the Preaching of the Gospel among them, And that the Gentleman employ'd in that Work shall Preach on the Lord's Days at the Towns of *Arundel* and *Biddiford* alternately, when the Weather will permit.

Read and Accepted, And

Resolved, That the Sum of *Forty Pounds* be Allowed and Paid out of the Publick Treasury to the Select Men of *Arundel* for the Supporting and Maintaining the Preaching of the Gospel at *Arundel* and *Biddiford*.

Sent up for Concurrence.

Ordered, That Mr. Speaker, Mr. *Lewis* and Mr. *Jonathan Jackson* of *Boston Brazier*, be impowered to inspect and view the several Stills in the Town of *Boston*, and Report what Pipes are used in them, and that they have leave to prepare a Bill for preventing and better Regulating the great Misfortunes that have arisen in this Province occasion'd by Rhum, &c. being Distill'd through Leaden Heads and Pipes.

Ordered, That a Message go up to the Honourable Board by Capt. *Throop* to acquaint them, that this House will be ready to proceed to the Choice of Civil Officers in the Afternoon.

Post Meridiem.

A Memorial of *Margarett Pastre*, praying she may be heard to make Answer to the Petition of *Arthur Savage* before he be Allowed to bring in a private Bill to Enable him to take out a Writ of Review, &c. as by his Petition Entred the 13th. Currant. Read and Sent up.

The Report of the Committee appointed to repair to *Hassanamisco* to fix the places for Building two Bridges over *Blackstone's-River*, which *Elisha Johnson* was obliged to effect when the Places for Setting said Bridges were agreed on by the General Court, Sign'd *John Chandler*, *Benjamin Whittemore*, *William Ward*.

Read and Accepted.

Also an Accompt of their Charge, Time and Expence on that Business. Read

And *Resolved*, That the Sum of *Eight Pounds & Three Pence* be Allow'd and Paid out of the Publick Treasury to the said *John Chandler*, *Benjamin Whittemore* and *William Ward* in full Discharge of said Accompt.

Sent up for Concurrence. [37]

A Petition of *John Pynchon* Esq; in behalf of himself and the rest of the Heirs of his Grandfather Capt. *John Pynchon*, Setting forth, There was granted to his Grandfather Anno 1666, Five Hundred Acres of Land, which has not yet been laid out, praying this Court would be pleased now to pass Order for the laying out the said 500 Acres pursuant to the said Grant. Read, and in Answer to this Petition, *Ordered*, That there be laid out to the Heirs or Lawful Representatives of Capt. *John Pynchon* late deceas'd, Grandfather of the Petitioner, in full Satisfaction of the Grant made by the Great and General Court *May 23. Anno 1666* to the said Capt. *John Pynchon* Five Hundred Acres of Land (not infringing upon any former Grant) by a Surveyor and Chain Men under Oath at the Charge of the Petitioners, and a Plat thereof to be returned to this Court within Twelve Months for Confirmation. Sent up for Concurrence.

A Bill Entitled, *An Act for Apportioning and Assessing a Tax of Six Thousand Two Hundred & Five Pounds, Fifteen Shillings and Seven Pence half penny.*

Read a First Time.

The Report of the Committee about the Reverend Mr. *Samuel Angier* deceas'd, his Estate, with the Vote of Council as Entred the 17th. Currant.

Read and Concurr'd. Sent up.

A Message from the Board by *Charles Frost* Esq; That the Board is ready to joyn with the House in the Choice of Civil Officers, and to begin with the Choice of a Treasurer.

Then the House proceeded to bring in their Votes for a Treasurer.

Ordered, That *William Dudley*, *Jonathan Remington*, and *John Stoddard* Esqrs. be a Committee to carry up the Votes of the House, assist in Sorting and Numbring them with the Votes of the Board, and report the several Choices made thereon.

The said Committee carried up the Votes for a Treasurer, and Reported, That *Jeremiah Allen* Esq; was Chosen Treasurer.

The said Committee carried up the Votes for a Commissioner of Impost, and Reported, That Mr. *Daniel Russel* was Chosen.

The Committee carried up the Votes for an Attorney-General, and Reported, That *John Read* Esq; was Chosen.

Ordered, That *Jonathan Remington* Esq; go up to the Honourable Board to desire that the Choice of the other Civil Officers may be deferred till to Morrow, for that the House is now engag'd in more important Business of the Province. Who return'd he had delivered the Message.

A Petition of *John Chandler* Administrator on the Estate of his late Grandfather *Thomas Chandler* of *Andover* deceas'd, for himself and others the Heirs of the said Deceased, shewing that the said *Thomas Chandler* in his Life time purchased of *George Smith* 200 Acres of Land Granted to said *Smith* Anno 1661, which was formerly laid out, and some of the Bounds thereof cannot be found agreeable to the Return made, and praying that he may have leave at his Cost and Charge to renew the Bounds. Read and *Ordered*, That the Petitioners have Leave at their Cost and Charge to renew the Bounds of said Grant by a Surveyor under Oath, and make return thereof to this Court within Twelve Months. Sent up for Concurrence.

The Commissioners appointed to Treat with the *Maquois* at *Albany* were Admitted into the House, and delivered the Accompt of the Presents they made those Nations at the Treaty, as also an Accompt of what Goods they left in the Hands of Col. *John Schuyler* belonging to this Province, and the several *Belts* they received from the *Maquois* at the Treaty, which they laid on the Table, and then withdrew.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock [38]

Veneris Die 21. Junij, A. D. 1723.

In the House of Representatives.

R*esolved*, That the Treasurer be and hereby is directed to Issue forth and Emit the Sum of *Twenty Thousand Pounds* in Bills of Credit on this Province, for the necessary Defence and Support of the Government, and the Protection and Preservation of the Inhabitants thereof, to be used and disposed of as is hereby directed in manner following, *viz.*

That the Sum of *Twelve Thousand Pounds*, part of the aforesaid *Twenty Thousand Pounds*, be and hereby is Appropriated to and for the Supplying, Supporting and Paying the Charge of *Castle-William*, and the other Forts and Garrisons within this Province, as also the Soldiers with the Officers Wages arising for their Service (Provided the Muster-Rolls or any Accompts of Charge or Expencc on the Castle, Forts and Garrisons shall not be paid, until such Muster-Roll and Accompt of Charge or Expencc hath been examined and allowed of by this Court, according to such Drafts as shall from time to time be made upon the Treasurer by Warrant under the Hand of the Governour with the Consent of the Council) and that the aforesaid *Twelve Thousand Pounds* be drawn out of the Treasury for the Ends and Uses above Appropriated only.

That the Sum of *Seven Thousand, Five Hundred Pounds*, part of the aforesaid *Twenty Thousand Pounds*, be and hereby is Appropriated to and for the defraying the Charges of this Government already arisen, and for Payment of all Grants, Stipends, Salaries, Allowances, Bounties, and Premiums, made and to be made by this Court, The Drafts to be made upon the Treasurer for any part of the aforesaid Sum of *Seven Thousand & Five Hundred Pounds* to be by Warrant as above mentioned, and that the aforesaid Sum of *Seven Thousand & Five Hundred Pounds* be drawn out of the Treasury for the Ends and Uses above Appropriated only.

And that the Sum of *Five Hundred Pounds* being the Residue and Remaining part of the said Sum of *Twenty Thousand Pounds*, be and hereby is Appropriated for the Payment of Expresses, Dispatched in the Service of this Government, together with all necessary unforeseen Charges arising in the Recess of this Court that Demands prompt Payment, Provided always, That the several Drafts made upon the Treasurer aforesaid, express and declare out of which Appropriated Sum the Money is to be paid.

And that the Treasurer be and hereby is strictly Enjoined to forbear Payment of all Sum or Sums of Money drawn on him by Warrant from the Governour or Commander in Chief for the Time being with the Advice and Consent of the Council, unless such Warrant expresly mention out of which Appropriated Sum the same is to be paid as aforesaid.

And the said Bills shall pass out of the Treasury at the Value therein expressed equivalent to Money, and shall be so taken and Accepted in all Publick Payments, And that the Duties of Impost and Excise shall be a Fund and Security for the repayment and drawing in the said Bills into the Treasury again so far as that will reach. [39]

And as a farther Fund and Security for the same, It is farther *Resolved*, That there be and hereby is Granted unto His most Excellent Majesty for the Ends and Uses aforesaid, and no other Ends and Uses whatsoever, a Tax of *Three Thousand Pounds*, to be Levyed upon Polls & Estates both Real and Personal within this Province, according to such Rules and in such Proportion upon the several Towns and Districts within the same, as shall be Agreed on and Ordered by the Great and General Court or Assembly of this Province at their Session in *May, One Thousand Seven Hundred & Twenty Five*, and paid into the Treasury on or before the last Day of *December* next after.

And that the farther Sum of *Three Thousand Pounds* be Levyed on Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportion, upon the several Towns and Districts within the same, as shall be Agreed on and Ordered by the Great and General Court or Assembly of this Province at their Session in *May, One Thousand Seven Hundred & Twenty Six*, and paid into the Treasury on or before the last Day of *December* next after.

And that the farther Sum of *Fourteen Thousand Pounds* being the Remainder of the aforesaid *Twenty Thousand Pounds* be Levyed upon Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportion upon the several Towns and Districts within the same, as shall be Agreed on and Ordered by the Great and General Court or Assembly of this Province at their Session in *May, One Thousand Seven Hundred and Twenty Seven*, and paid into the Treasury on or before the last Day of *December* next after.

And whereas through the Scarcity of Bills of Credit it may then be difficult for Persons to Convert the produce of their Lands into Bills, and pay their Rates in them, It is farther Ordered, That the Inhabitants of this Province shall have Liberty (if they see fit) to pay the several Sums that shall be on them respectively Assessed in the several Species hereafter mentioned, at such moderate Rates and Prices as the Great and General Court or Assembly shall set them at, *viz.* In good Barrel Beef and Pork, Wheat, Barley, Rye, Indian Corn, Oats, Flax, Hemp, Bees-Wax, Pease, Butter in Firkins, Cheese, Hides, Tann'd Leather, Dry Fish, Mackeril in Barrels, Oyl, Whale-Bone, Bayberry-Wax, Tallow, Pitch, Tarr, and Turpentine, which Species shall be received by the Treasurer of the several Constables or Collectors, and by him disposed of to the best Advantage for the Calling in of said Bills, into the Treasury again.

And if any Loss shall happen by the Sale of the aforesaid Species, or any other

unforeseen Accident shall arise, that such Deficiencies shall be made good by a Tax of the Year next following, so as fully and effectually to call in the whole Sum of Bills Emittid as aforesaid. Sent up for Concurrence.

A Bill Entitled, *An Act for the better Regulating the Curing & Culling of Fish.*

Read a Third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

An Accompt Signed *Timothy Dwight* Surveyor, for himself and others, for a Survey of the Province Land between *Hadley* and *Brookfield*, by Order, Amounting to *Seven Pounds*. Read, And [40]

Resolved, That the Sum of *Seven Pounds* be Allowed and Paid out of the Publick Treasury to Col. *John Stoddard* for the Use of the Accomptants in full discharge of said Accompt. Sent up for Concurrence.

A Bill Entitled, *An Act for Reviving and farther Continuing of several Temporary Acts which by their respective Limitations are near Expiring or determining.*

Read a Third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

A Bill Entitled, *An Act for the better Regulating Indians, Negroes and Molattoes, &c.* Read a Third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

A Bill Entitled, *An Act in Addition to the Act for the better Observation & Keeping the Lord's Day.* Read a Third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

An Accompt of Mr. Secretary *Willard* for Transcribing the Records of the General Assembly from the beginning of the Session in *May* 1699, to *March* 10th. 1702, and from the beginning of the Session in *November* 1716, to *June* 4th. 1719, Amounting to the Sum of *l.53 19s.* Read, and

Resolved, That the Sum of *Fifty Three Pounds, and Nineteen Shillings*, be Allowed and Paid out of the Publick Treasury to *Josiah Willard Esq;* in full discharge of said Accompt. Sent up for Concurrence.

Samuel Partrigg Esq; brought down the Bill Entitled, *An Act for the Relief of Creditors, &c.* Sent up the 19th. Currant, with the Votes of Council thereon, viz. Read Three several Times, and pass'd a Concurrence with the Amendments.

Sent down for Concurrence. Read and Concurr'd.

Ordered, That Capt. *William Throop* go up with a Message to the Honourable Board to acquaint them that the House is ready to joyn with the Board in the Choice of Notary's Publick in the several Sea-Port Towns within this Province.

A Message from the Honourable Board by *Thomas Fitch Esq;* That the Board is ready to joyn in the Choice of Notary's Pulick, and first to begin with the Port of *Boston*.

Ordered, That the same Committee that carried up the Votes for the Choice of Civil Officers Yesterday, carry up the Votes now, and assist in Sorting and

Numbring them with the Votes of the Board, and Report the several Choices that shall be made thereon.

The said Committee carried up the Votes for Two Notary's Publick for the Port of *Boston*, and Reported, That Messieurs *Joseph Hiller* and *Samuel Tyley* were Chosen.

The said Committee carried up the Votes for a Notary Publick for the Port of *Salem*, and Reported, That *Stephen Sewall* Esq; was Unanimously Chosen.

The said Committee carried up the Votes for a Notary Publick for the Port of *Newbury*, and Reported, That Mr. *Stephen Jaques* Jun. was Unanimously Chosen.

The said Committee carried up the Votes for a Notary Publick for the Port of *Plymouth*, and Reported, That Capt. *John Dyre* was Chosen.

The said Committee carried up the Votes for a Notary Publick for the Port of *Bristol*, and Reported, That Capt. *William Throop* was Chosen.

The said Committee carried up the Votes for a Notary Publick for the Port of *Kittery*, and Reported, That Capt. *William Pepperil* was Chosen.

Edward Bromfield Esq; brought down the Petition of the Reverend Mr. *Thomas Creaghead*, with a Vote of Council thereon, viz. In Council, *June 21. 1723.* A Hearing having been had on the Petition of Mr. *Thomas Creaghead* late Minister of the Town of *Freetown*, setting forth, That the said Town are in Arrears to him for several Years Service in the Work of the Ministry among them, together with the Answer of the Town by their Agent, and other Persons concerned, upon which Hearing it appears, That the Orders made for the Support and Maintenance of the said Mr. *Creaghead* have not been duly observed, but by the contri-
[41] vances and practices of ill Men have been eluded and rendred ineffectual, And inasmuch as no Representation thereof has been yet made to this Court by the General Sessions of the Peace for the County of *Bristol* as the Law directs. It is therefore Ordered, That the Justices of the said County do at their next General Sessions of the Peace make farther Enquiry (if need be) into the state of the said Mr. *Creaghead's* Case, and the Arrears they Apprehend due to him from the said Town, for his Service as aforesaid, and that they represent and make Report thereof to the next Session of this Court, that such Order may be taken thereon as to Justice doth Appertain. Sent down for Concurrence.

J. Willard Secr.

Read and Concurr'd.

A Bill Entitled, *An Act for Apportioning & Assessing a Tax of Six Thousand Two Hundred & Five Pounds, Fifteen Shillings, & Seven Pence half-penny.*

Read a Second Time.

A Petition of *Josiah Torrey*, Agent for the Town of *Barrington*, praying that the Owners of some Meadow Lands (lying within that Town) who live in *Rehoboth* may be oblig'd to pay a proportionable part of the several Rates and Taxes Assessed on said Town of *Barrington*, for the Reasons therein mentioned.

Read, and referr'd to the next Session for farther Consideration.

A Petition of *Isaac Larned* of *Oxford*, praying he may be Allowed to Purchase a parcel of Waste Land belonging to the Province, Adjoyning to the Town of *Oxford* on the North, containing about Three Hundred Acres.

Read and referred (for farther Consideration) to the next Session.

A Muster Roll of the Company in His Majesty's Service under the Command of Capt. *John Penhallow*.

Read, and Committed to the Committee for Muster-Rolls.

An Accompt of *Ebenezer Lewis* County Treasurer for the County of *Barnstable*, was presented. Read and Allowed. Sent up for Concurrence.

An Accompt Signed *Bartholomew Green*, for Printing sundry Acts, Proclamations, &c. by Order of the Governour and Council, Amounting to *l.29 17s. 2d.* Presented for Allowance, Read, And

Resolved, That the Sum of *Twenty Nine Pounds, Seventeen Shillings, & Two Pence*, be allowed and paid out of the Publick Treasury to Mr. *Bartholomew Green* the Accomptant, in full discharge of the said Accompt.

Sent up for Concurrence.

An Accompt of *Bartholomew Green & Samuel Kneeland*, amounting to *l.31 18s.* for Printing the Journal of the House of Representatives the last Session.

Read, and *Resolved*, That the Sum of *Thirty One Pounds, Eighteen Shillings*, be allowed and paid out of the Publick Treasury to the Accomptants *Bartholomew Green & Samuel Kneeland*, in full discharge of said Accompt.

Sent up for Concurrence.

Post Meridiem.

An Accompt Signed *Joseph Hauley*, Treasurer of the County of *Hampshire*, was presented. Read and Allowed. Sent up for Concurrence.

Col. *Dudley* from the Committee of Muster-Rolls, Reported, *viz.*

On the Muster Roll of *Joseph Heath*, The Committee having Examined the Muster-Roll on the other side, find it right Cast and well Vouch'd by the Oath of Capt. *Joseph Heath*, who affirmed that every Man inserted in this Roll was in Actual Service for the whole time they stand inserted therein. Wherefore the Committee are of Opinion that the Sum of *l.746 1s. 7d.* being the whole Amount of the Neet Wages due on this Roll (exclusive of the Use of the Province Arms, and what Slops have been delivered to the Men) be allowed and paid out of the Publick Treasury, to the Officers and Soldiers mentioned in this Roll to whom the same is respectively due, in full discharge of the same.

Read and Accepted, And

Resolved, That the Sum of *Seven Hundred Forty Six Pounds, One Shilling and Seven Pence*, be allowed and paid out of the Publick Treasury to the Officers and

Soldiers born on the within Roll, to whom the same is respectively due, in full discharge of the Wages thereof. Sent up for Concurrence. [42]

On the Muster-Roll Signed *Eleazer Tyng*, The Committee having Examined the same, find it right Cast and well Vouch'd by the Oath of *Jonathan Butterfield*, One of the Men within-mentioned, who affirmed that all the Men inserted in the within Roll were in Actual Service for the whole time they are set down, therefore the Committee are of Opinion that the Sum of *l.243 8s. 9d.* being the whole Amount of the Neet Wages due on the within Roll, be allowed and paid out of the Publick Treasury to Col. *Eleazer Tyng* for the Officers and Soldiers mentioned in this Roll, to whom the same is respectively due, in full discharge thereof, And that the Sum of *l.116 5s. 9d.* be farther allowed and paid out of the Publick Treasury to the said Col. *Tyng*, for Subsisting the Officers and Soldiers born on this Roll (there being no Person appointed to deliver out the same) and by him repaid to the Persons that did Subsist the Soldiers accordingly.

Read and Accepted, And

Resolved, That the Sum of *Two Hundred Forty Three Pounds, Eight Shillings and Nine Pence*, be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll, to whom the same is respectively due, in full discharge of the Wages thereof. And farther that the Sum of *One Hundred and Sixteen Pounds, Five Shillings & Nine Pence*, be allowed and paid out of the Publick Treasury to Col. *Eleazer Tyng* for Subsistence for the within Men, to be by him paid to the Person or Persons that have Subsisted them, in full.

Sent up for Concurrence.

The Petition of the Inhabitants of *Charlstown*, brought down the 13th. Currant, with the Answer to the Subject matter of the said Petition, Also a Memorial of the Petitioners to inforce their Petition, were Read. And

The Question was put, *Whether the House would Re-consider their Vote, pass'd the 12th Currant.* It pass'd in the Negative.

In the House of Representatives. **June 21. 1723.**

Whereas at the late Interview & Treaty had with the Six Nations of the Maquois at Albany with the Commissioners sent thither from this Government upon the Article of Engaging the Maquois to joyn with this Government in Prosecuting the War, against the Eastern Indians, they declined to come into that Proposal, at least 'till they had used their Interest with those Indians to make all proper and suitable Submission for their past Hostilities, assuring the Commissioners that they would stand Pledges for the faithful Performance of such Articles, as should be Agreed upon by this Government. And Whereas this Court have so far concluded that the Six Nations by their Delegates may come on behalf of the Enemy Indians to Treat on that Head.

Resolved, That it will be as well for the Service of His Majesty, as the Safety and Interest of His Majesty's good Subjects of this Province, That when that

Matter shall be in Agitation, nothing Relating to Articles of Pacification be Agreed and Concluded upon in the Recess of this Court.

Sent up for Concurrence.

Voted, That the Tax Bill shall have a Third Reading this Afternoon.

A Bill Entitled, *An Act for Apportioning and Assessing a Tax of Six Thousand Two Hundred & Five Pounds, Fifteen Shillings, & Seven Pence half-penny.*

Read a Third Time, and pass'd to be Engross'd.

Sent up for Concurrence, by Capt. *Throop*, Mr. *Choate*, Mr. *Bryant*, Mr. *Edward White*, Mr. *Adams*, Mr. *Benjamin Prescott*, Mr. *Remington*, and Mr. *Knowles*, With a Message to His Honour, That the Court may rise to Morrow, if possible.

John Wheelwright Esq; brought down the Bill Entitled, *An Act in Addition to the Act for Admission of Town Inhabitants.*

Read in Council Three several Times, and pass'd a Concurrence with the Amendments as taken into a New Draft. Sent down for Concurrence.

Read and Concurred with the Amendments as taken into a New Draft.

Sent up.

Also The Petition of *John Chandler*, with a Vote of Council thereon, *viz.* In Council *June 21. 1723.* Read and Concurred with the Amendment, *viz.* and Chain-men. Sent down for Concurrence. Read and Concurr'd. [43]

A Memorial of *Addington Davenport*, *Thomas Hutchinson* and *Edward Hutchinson* Esqrs. Trustees of the *l.50,000* Loan, praying the direction of this Court with respect to the Mortgaged Estates as are already, and such as in a short time may come into their Hands by reason of the Mortgagers failing to redeem the same, And also that an Audit may be had on their Accompts, and Allowance made thereon. Read, and referr'd (for further Consideration) to the next Session.

A Message from His Honour the Lieut. Governour, by *Samuel Sewall*, *Penn Townsend*, and *Addington Davenport* Esqrs. with Mr. Secretary, That His Honour having Communicated Advices of several Parties of Indians appearing near the English Settlements, killing & taking divers Persons, & in Consideration of the great Sickness, &c. among the Soldiers, His Majesty's Council were of Advice that it was not consistent with the Security of the Frontiers that so great a Number of the Forces should be Disbanded as was proposed by the General Assembly at their last Session. Mr. Secretary read the Vote of Council, which he laid on the table, with a Letter from Col. *Westbrook*, which His Honour communicated to the House.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Sabbati Die 22. Junij, A. D. 1723.

W *Hereas the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas for the County of Essex, are Appointed by Law to be Held at Salem, in said County, upon the last Tuesday of June Currant, and several of the Justices of the said Court, &c. concerned, are Members of this Court,*

Resolved, That in Consideration of the present sitting of the General Court, the said Court of General Sessions of the Peace and Inferiour Court of Common Pleas, be and hereby are Adjourned to the Third Tuesday in *July* next. Any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

A Message from the Board, *viz.* In Council *June 21. 1723. Ordered,* That a Message be sent down to the Honourable House of Representatives by *Penn Townsend, Samuel Partrigg, Nathaniel Norden, John Wheelwright, and Thomas Fitch* Esqrs. to desire the House would consider that part of His Honour the Lieut. Governour's Speech which relates to the Advancing the Pay of the Garrison of His Majesty's *Castle-William* to the Wages of other Garrisons within this Province, The Board conceiving the Honour and Justice of the Government to be therein concerned, and that without an Advance of the Pay it cannot be expected that any Persons fit for Service will Enlist there, or that those that have been perswaded to continue upon the Prospect of such Encouragement will remain there upon the present Establishment. *J. Willard, Secr.*

The Muster-Roll of the Garrison at *Castle-William* was brought down with the Message.

Samuel Partrigg Esq; brought down an Engross'd Bill Entitled, *An Act for the Relief of Creditors, and granting a further Time for Adjusting their Accompts with and Recovering their Dues from their several Debtors.* Read, and

Resolved, That the said Bill do pass to be Enacted.

An Accompt Signed *George Pemberton* for Medicines internally and externally Administred on the Sick, Lame, & Wounded belonging to *Castle-William*, amounting to *l.34 9s.* was Presented. Read and Allowed. And *Resolved,* That the Sum of *l.34 9s.* be allowed and paid out of the Publick Treasury to Dr. *George Pemberton* the Accomptant in full discharge of said Accompt.

Sent up for Concurrence.

A Petition of *Edmund Pottar* of *Ipswich*, praying he may be allowed to File his Reasons of Appeal at the Court of General Sessions of the Peace to be holden at *Newbury* for the County of *Essex*, from a Judgment recovered against him before Mr. Justice *Berry* of *Ipswich*; The Petitioner intirely through Ignorance lodging his Reasons of Appeal with the Justice instead of filing them at the Clerk's [44] Office of the Court of General Sessions of the Peace to be holden at *Salem*, the last Tuesday of *June* Currant. Read, and in Answer to this Petition, *Ordered,* That

upon the Petitioner's Entering his Action at the Court of General Sessions of the Peace next to be holden at *Salem* for the County of *Essex*, the Justices of the said Court be and hereby are directed to continue the Action over to the next Term, and that the Petitioner file his Reasons of Appeal in the Clerk's Office of the Court Appealed to in Time. Any Law, Usage or Custom to the contrary notwithstanding. Sent up for Concurrence.

A Petition of *Mary Twitchell* of *Sherburne*, praying that she may be impowered to receive *Nine Pounds, Twelve Shillings*, out of the Treasury, so much due to her Husband *Benjamin Twitchell* impressed in His Majesty's Service under the Command of Major *Moodey*, now a Captive in the Hands of the Indians.

Read, and

Resolved, That the Prayer of the Petition be granted, and that the Treasurer of this Province pay the Wages due to the within named *Twitchell* unto Capt. *Samuel Bullard*, to be employed and improved for the Benefit of the Petitioner and Family. Sent up for Concurrence.

A Muster-Roll of His Majesty's Garrison at *Castle-William*, under the Command of His Honour the Lieut. Governour.

Read, and Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service, under the Command of Major *Moodey*. And

A Muster-Roll of the Company in His Majesty's Service under the Command of Lieut. *Joseph Kellog*, both Read, and Committed to the Committee for Muster-Rolls.

Thomas Fitch Esq; brought down an Order of the Government of *New-York*, with sundry Papers relating thereto, demanding the Payment of certain Quit Rents from the Inhabitants of *No-Mans-Land*, with a Vote of Council thereon, viz. In Council *June 22d. 1723. Whereas the Government of New-York have demanded of the Inhabitants of No-Mans-Land (within this Province) the Payment of Quit Rents for the said Lands,* Ordered, That *Penn Townsend, Edmund Quincey, and Paul Dudley* Esqrs. with such as the Honourable House of Representatives shall Appoint, be a Committee to consider and Report what is proper for this Court to do on the said Affair. Sent down for Concurrence.

Read and Concurr'd. And

Ordered, That Mr. Speaker, Mr. *Dudley*, Mr. *Cooke*, and Mr. *Lewis* be joined to the Committee of the Board for the Ends abovesaid. Sent up.

A Petition of the Farmers Adjacent to *Sudbury* on the South-side of that Town and *Natick*, praying that the Inhabitants on the East-side of the River may be oblig'd to fulfil their Promise and Engagements for removing their Meeting House for the Accommodation of the Petitioners for the Reasons assigned in the Petition. Read, and in Answer to this Petition, Ordered, That the East Precinct in the Town of *Sudbury* be served with a Copy of this Petition, that

so they may give in their Reasons on the Second Friday of the next Sessions, why the Prayer of the Petition should not be Granted. Sent up for Concurrence.

Information being given to this House of divers Mismanagements at His Majesty's Garrison at Castle William, practiced by some of the Subalterns there,

Ordered, That *Elisha Cooke, James Cauley and John Stoddard Esqrs.* be a Committee to enquire into the Truth of that Matter, and make Report thereof to the House.

And then the House Adjourn'd till Monday next Three a-Clock, Afternoon

B O S T O N: Printed by **Bartholomew Green** and **Samuel Kneeland**,
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VOTES

Of the House of Representatives.

Luna Die 24. Junij, A. D. 1723.

THIS House being informed of divers Trespasses committed within the County of Hampshire by Boxing and Barking Pine Trees, &c. for Turpentine, on Land belonging to this Province contrary to a Law of the Province made in the First Year of the Reign of His present Majesty,

Ordered, That Mr. Timothy Dwight of Northampton, Mr. William Pynchon of Springfield, and Mr. Ebenezer Marsh of Hadley be a Committee who are hereby directed to use all proper Methods for the detecting the Trespassers, and their Names transmit together with the Evidences against them to the Attorney-General, that he may be enabled to prosecute them, and said Attorney is directed to depute some meet Person to seize and secure all such Turpentine as shall be found on Province Lands together with the Utensils. The said Committee are farther Ordered to Lease out all such Turpentine Trees as they find Boxed on Province Lands, at reasonable Prices, and the Money they receive therefor to pay into the Publick Treasury. *Provided*, They shall not Lease any such Trees to any Persons that shall be strongly suspected to be Trespassers, or to any other that will not give Security that such Trees shall not be used by or for the Benefit of such Trespassers. Sent up for Concurrence.

A Petition of Samuel Ashley late of Westfield in behalf of Jonas Dow of Albany, formerly presented to this Court, and now revived at the desire of the said Samuel Ashley's Administrators, praying that the Sum of *l.21 17s.* may be paid out of the Publick Treasury for Subsisting one *Beaveneer* a French Prisoner, formerly, Read, and in Answer to the Petition, Ordered, That the Sum of *Twenty One Pounds Seventeen Shillings* be allowed and paid out of the Publick Treasury to David Ashley and Thomas Ingersole Jun. Administrators on the Estate of the said Samuel Ashley deceas'd, in full discharge for Subsisting said *Beaveneer*.

Sent up for Concurrence.

Nathaniel Paine Esq; brought down an Engross'd Bill, Entitled, *An Act in farther Addition to An Act*, Entitled, *An Act directing the Admission of Town Inhabitants*, made and pass'd in the Thirteenth Year of King William the Third.

Read and Resolved, That the Bill do pass to be Enacted.

A Muster Roll of the Garrison in His Majesty's Service at Fort Mary, under the Command of Capt. Samuel Hinckes, also an Accompt of the said Hinckes disbursements there, amounting to the Sum of *l. 17 3d.*

Read and Committed to the Committee for Muster Rolls.

A Petition of the Select-Men of the Town of Scarborough in the County of

York, praying for some Relief for the Support of the Gospel Ministry among them, and that they may be allowed to lay the Lands of the Non-Resident Proprietors of said Town under such a reasonable Tax as shall seem meet to this Court, for their defraying the proportionable part of the Charge belonging to said Non-Residents.

Read and Referred to the next Session for farther Consideration.

A Petition of the East part of the Town of *Enfield*, praying they may be made a separate Precinct for the Reasons therein mentioned, they having produced a [46] Vote of said Town, wherein they express their Concurrence and Consent. Read, and in Answer to this Petition, *Ordered*, That the East part of the Town of *Enfield*, as bounded in and by a Town Vote of *June 3. 1723.* and agreeable thereto be Set off as a Separate Precinct, and Have, Use, Exercise and Enjoy all such Powers and Priviledges which other Precincts Have, Use, Exercise and Enjoy, and that Messieurs *Edward Kibbee* and *Ebenezer Jones* two of the principal Inhabitants of the said Precinct are hereby impowered and directed to Notify and Summon the Inhabitants duly qualified for Voters to Assemble and Meet together for the Choosing all Precinct Officers, and determine the Way and Method of future Meetings of said Precinct. Sent up for Concurrence.

Josiah Winslow Esq; brought down the Petition of *Edmund Pottar*, as Entred the 22d Currant, with a Vote of Council thereon, *viz.* In Council *June 22d. 1723.*

Read, and Concurr'd. Sent down for Concurrence.
 Read and Concurr'd. Sent up.

Penn Townsend Esq; brought down a Petition of *Francis Moore* of *Boston*, Guardian of *William Cooke*, a Minor, and Son of *William Cooke* late of *Boston* Marriner, and *Lydia* his Wife both deceas'd, Intestate, praying for Leave to make Sale of a certain Real Estate in *Boston* whereof the said *William & Lydia Cooke* dyed seized, for the Reasons given in said Petition, pass'd in Council, *viz.* In Council *June 18. 1723.* Read, and *Ordered*, That the Prayer of the Petition be Granted, The Petitioner to be accountable to the Judge of Probate for the County of *Suffolk* for the Overplus of the Produce of the Land (if any there be) and that the Petitioner have leave to bring in a Bill accordingly.

Sent down for Concurrence. Read and Non-Concurr'd.

A Petition of *David Melvil* Keeper of His Majesty's Goal in *Boston*, praying for Allowance for Subsisting sundry Prisoners, Indians and others, committed to His Majesty's Goal there. And

A Petition of *Morice Fitz Gerrald*, a Prisoner in His Majesty's Goal in *Boston*, setting forth, that He was convicted of passing and uttering Counterfeited Pieces of Eight instead of good Silver Pieces of Eight, and a Fine accordingly laid on him of upwards of *l.600*, praying he may be set at Liberty, for the Reasons in said Petition.

Both Read and Committed to the Committee for Petitions.

An Accompt Signed *Elizabeth Smith*, amounting to *l.4 6s. 11d.* for Nursing, &c. (by Order) for *Theophilus Richardson*.

Read and Committed to the Committee for Muster-Rolls.

Ordered, That *John Pynchon* Esq; Mr. *Knowles*, Col. *Bourne*, and Capt. *Nowell*, go up to the Board, and Enquire whether any thing be likely to come down this Afternoon, The House having now nothing lying before them.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Martis Die 25. Junij. A. D. 1723.

A Petition of *Stephen Perkes* and *Martha* his Wife (late *Martha Mountjoy*) praying for Leave that they may be Enabled by a private Act to make Sale of part of the Estate of *Pelatihah Mountjoy* late of *Boston* deceas'd to discharge certain Debts the Petitioners charge the Estate of said *Pelatihah Mountjoy* with, Amounting to *l.25 1s.* as per a *Schedule* on the Petition appears. Read,

And the Question being put, *Whether the Prayer of the Petition should be Granted?* It pass'd in the Negative.

A Petition of *Thomas Ingersoll* Prison-keeper for the County of *Hampshire*, praying some Allowance may be made to him for keeping *Ovid Rushbrook* and *John Blin*, committed to His Majesty's Goal in *Springfield*, for Counterfeiting the Publick Bills of Credit.

Read and Committed to the Committee for Petitions. [47]

Col. *Dudley* from the Committee for Muster-Rolls, Reported, *viz.* On the Muster-Roll of Capt. *Samuel Barnard*, The Committee having Examined the same find it right Cast and well Vouch'd by the Oath of the said *Barnard*, who declared that all the Men inserted in this Roll were in Actual Service for the whole time they are Entred, The Committee are therefore of Opinion, That the Sum of *l.242 5s. 4d.* being the full Amount of the Neet Wages due on this Roll, be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on this Roll to whom the same is respectively due, And that the Sum of *l.109 18s.* be also paid out of the Publick Treasury to *Samuel Partrigg* Esq; and by him paid to the Person or Persons that Subsisted said Officers and Soldiers, there being no Person Appointed to receive and deliver out the same. The said Sum amounting in the whole to the Sum of *l.352 3s. 4d.* to be paid as aforesaid, in full Discharge of this Roll. Read and Accepted, And

Resolved, That the Sum of *Two Hundred Forty Two Pounds, Five Shillings and Four Pence* be allowed and paid out of the Publick Treasury to the Officers and Soldiers in full of their Wages as respectively due by the within Roll, And further, That the Sum of *One Hundred & Nine Pounds, Eighteen Shillings* be allowed and paid out of the Publick Treasury to Col. *Samuel Partrigg*, to be by him

paid to the Person or Persons that have Subsisted the Men born on this Roll, in full discharge of their subsistence as by the Roll appears.

Sent up for Concurrence.

An Accompt of Capt. *John Penhallow* for Building Store Houses, Masons Work, &c. at the Island of *Arowsick*, by the direction of Mr. Treasurer *Allen*, and desire of Mr. *John Gooch*. Read and Committed to the Committee for Petitions.

Nathaniel Paine Esq; brought down the Bill Entitled, *An Act for reviving and further continuing of several Temporary Acts*, &c. Read in Council Three several Times, and pass'd a Concurrence with the Amendments. Sent down for Concurrence. Read and Concurr'd.

Samuel Partrigg Esq; brought down

A Petition of *Caleb Spurrier* of *London* Merchant now resident in *Portsmouth* in *New Hampshire*, praying he may be enabled by a private Act to re-enter an Appeal at the next Superiour Court of Judicature to be held at *York*, for the County of *York*, from a Judgment He obtained against *John Butler* of *George-Town* in the County of *York*, at an Inferiour Court of Common Pleas holden at *York*, Anno, 1719. for *l. 63 5s.* the said *Butler* appealing from said Judgment to the Superiour Court held at *York* Anno 1720. when the Petitioner was called out by default for want of a Power of Attorney. Passed in Council, *June 25th, 1723.*

Read. And,

Ordered, That the Prayer of the Petition be granted, and that the Petitioner bring in a Bill accordingly. Sent down for Concurrence.

Read and Concurred.

A Petition of *David Ingersole*, of *Springfield*, with an Accompt of his Time and Expence for himself and Horse, in going to *Albany* and entertaining the *Maquois*, &c. Read. And in Answer to the Petition and Accompt,

Ordered, That the three Articles charged for Victuals and Drink for the *Indians* and Interpreter, amounting in the Whole to the Sum of *Two Pounds, Eleven Shillings and Six Pence* be allowed and paid out of the Publick Treasury to *John Pynchon* Esq; for the Use of the Petitioner. Sent up for Concurrence.

A Memorial of *Samuel Dowse*, praying for some Allowance for his Service in delivering Subsistence to the Forces in the Eastern Parts, substituted as the Memorialist Alledges by Mr. Treasurer.

Read and Committed to the Committee for Petitions. [48]

An Accompt of Dr. *Nathan Hale* of *Newbury* for Medicines and Attendance on *James Tyler*, a Soldier under the Command of Capt. *Wainwright* late deceas'd, Amounting to *l. 10 1s. 5d.* Read and Committed to the Committee for Petitions.

Ordered, That Capt. *Nowell* go up to the Honourable Board, and inquire whether any thing be likely to come down this Forenoon, there being nothing lying on the Table.

A Message from the Board by *Thomas Fitch* Esq; That the Supply of the

Treasury is now under Consideration at the Board, and that nothing was likely to come down this Forenoon.

Post Meridiem.

A Petition of *Margaret Calef* Relict Widow and Sole Executrix of the last Will and Testament of *Robert Calef*, late of *Boston* Merchant deceased, praying she may have leave to Sell a seventh part of a House and Land in *Roxbury*, of which said *Robert Calef* dyed siezed. Read.

Mr. *Cooke* from the Committee for Petitions, Reported, viz.

On the Accompt of Capt. *John Penhallow*, The Committee have examined the within Accompt and are of Opinion that the Article of *l. 6 12s.* charged for Store-house room, be reduced to *40s.* and the other of *l. 9 12s.* be reduced to *l. 3* and that of *36s.* to *12s.* The other Articles we find well Vouched, Mr. Treasurer *Allen* declaring, That the Work done for securing the Stores was by his Direction. That therefore the Sum of *l. 46 7s. 9d.* be allowed and paid out of the Publick Treasury to the Accomptant *John Penhallow* in full discharge of this Accompt.

Read and Accepted. And,

Resolved, That the Sum of *Forty Six Pounds, Seven Shillings and Nine Pence*, be allowed and paid out of the Publick Treasury to Capt. *John Penhallow* the Accomptant in full discharge of this Accompt. Sent up for Concurrence.

On the Memorial of *Robert Grey*, The Committee are of Opinion, that the Memorialist *Robert Grey* be continued in the pay of this Government (his inability to do Duty notwithstanding.) Read, and Accepted. And,

Ordered, That the said *Robert Grey* be continued in and receive the Pay and Subsistance of this Government as heretofore at the Castle, (his inability to do Duty notwithstanding.) Sent up for Concurrence.

On the Petition of *Francis Loud*, The Committee are of Opinion, that the Petition be dismiss'd. Read and Accepted.

On the Petition of *Maurice Fitz Gerald*, The Committee are of Opinion, that the Petition be dismiss'd. Read and Accepted.

Col. *Dudley* from the Committee for Muster-Rolls, Reported, viz.

On the Muster-Roll of Capt. *Samuel Hinckes*, The Committee having Examined the same find it right Cast and well Vouch'd by the said *Hinckes's* Oath who affirmed the Men Entred in this Roll were in Actual Service the whole time they stand Entred, Are therefore of Opinion that the Sum of *l. 136 10s. 6.* be allowed and paid out of the Publick Treasury to the said *Samuel Hinckes*, and the Men inserted on the other side respectively to whom the same is due.

Read and Accepted, And

Resolved, That the Sum of *One Hundred Thirty Six Pounds, Ten Shillings & Six Pence* be allowed and paid out of the Publick Treasury to Capt. *Samuel Hinckes*

and the Men inserted on the other side, to whom the same is respectively due, in full discharge of the Wages of this Roll.

Sent up for Concurrence. [49]

On the Accompt of Disburstments of Capt. *Hinckes* at Fort *Mary*, The Committee having examin'd the within Accompt find it right Cast and well Vouch'd and according to Custom, Are of Opinion that the Sum of *l.17 ood. 3d.* be paid out of the Publick Treasury unto the said *Samuel Hinckes*, in full Discharge of this Accompt. Read and Accepted, And

Resolved, That the Sum of *Seventeen Pounds & Three Pence* be allowed and paid out of the Publick Treasury to Capt. *Samuel Hinckes* the Accomptant in full discharge of this Accompt. Sent up for Concurrence.

On the Muster Roll of Capt. *John Penhallow*, The Committee have examined the within Muster-Roll, Signed *John Penhallow*, find it right Cast and well Vouched by the Oath of the said *Penhallow*, who declared the Men were in actual Service the whole time they stand entred (except *George Darling* who has been absent some time to be cured of a Wound received in the Service). The Committee are therefore of Opinion, That the Sum of *l. 816 19s. 8d.* that being the Neat Wages due on this Roll (exclusive of the Loan of Province Arms and what has been supply'd by the Treasurer in part) be paid out of the Publick Treasury to the Officers and Soldiers to whom the same is respectively due, in full Discharge of this Roll. Read and Accepted. And

Resolved, That the Sum of *Eight Hundred and Sixteen Pounds Nineteen Shillings and Eight Pence*, be allowed and paid out of the Publick Treasury to Capt. *John Penhallow* and the Men born on the within Roll, to whom the same is respectively due, in full Discharge of the Wages thereof. Sent up for Concurrence.

Samuel Partrigg, *John Cushing* and *Edmund Quincey* Esqrs. brought down the Resolve for the Supply of the Treasury, pass'd in Council, *viz.* Read twice and Concurr'd with the Amendments. Sent down for Concurrence.

Read and Non-Concurr'd, *Nemine Contradicente*, and the House Adhere to their Vote. Sent up by Mr. *Remington*, Capt. *Osgood*, Mr. *Gerrish*, and Mr. *George Browne*. With a Message to Enquire, whether the Board have pass'd on the Vote sent up the 21st Currant, relating to Articles of Pacification to be agreed on with the *Maquois*, in behalf of the Eastern Indians.

Jonathan Dowse and *Spencer Phipps* Esqrs. brought down the Tax Bill. Read Three several Times in Council, and pass'd a Concurrence with the Amendments.

Sent down for Concurrence.

This House being of Opinion, That it is not for the Interest of the Province that the Men Posted at Dunstable, and under the Pay of this Government, should any longer be continued in the Service, or receive Pay,

Voted, That His Honour the Lieut. Governour be desired to dismiss those Men. Sent up for Concurrence.

Thomas Hutchinson and *Adam Winthrop* Esqrs. brought down the Vote of the House relating to Articles of Pacification to be agreed on with the *Maquois*, &c. Passed in Council, *viz.* In Council *June 25th, 1723.*

Read and Non-Concurred. And

Voted, That His Honour the Lieutenant Governour be desired to have the General Court sitting when any Overtures of a Pacification with the Eastern Indians come under Consideration. Sent down for Concurrence.

Read and Concurred. [50]

Mr. *Cooke* from the Committee for Petitions, Reported, *viz.*

On the Petition of *Thomas Ingersole*, Prison-Keeper for the County of *Hampshire*, The Committee are of Opinion, That the Consideration of the said Petition be referred to the next Session. Read and Accepted.

On the Accompt of Dr. *Nathan Hale*, The Committee are of Opinion, that the Sum of *l.10 1s. 5d.* be allowed and paid out of the Publick Treasury to Dr. *Nathan Hale* the Accomptant, in full discharge of said Accompt.

Read and Accepted, And

Ordered, That the Sum of *Ten Pounds One Shilling & Five Pence* be allowed and paid out of the Publick Treasury to Dr. *Nathan Hale* the Accomptant, in full discharge of this Accompt. Sent up for Concurrence.

On the Memorial of *Samuel Dowse*, The Committee are of Opinion, that the Sum of *l.19* be allowed and paid out of the Publick Treasury to the Memorialist *Samuel Dowse* in Consideration of his Service as within mentioned. And the Question was put, *Whether the Report of the Committee should be Accepted?*

Resolved in the Negative.

Samuel Sewall and *Benjamin Lynde* Esqrs. brought down the Vote for the Supply of the Treasury, pass'd in Council, *viz.* In Council *June 25th. 1723.* Read and *Resolved*, That the Board do insist on their Amendments.

Sent down for Concurrence.

Whereas this House came into a Vote for Supply of the Treasury on the 21st. Instant, and sent it up to the Honourable Board for Concurrence, and this Day that Vote came down Concurr'd with several Amendments, which were Read and Non-Concurr'd, Nemine Contradicente, and the House Adhered to their Vote, and sent it up to the Board, who insisted on their Amendments.

Ordered, That the further Consideration of that Matter be continued to the next Session, that the several Towns may be thoroughly acquainted with the Vote as insisted on by the House, as well as the Amendments, so called, proposed by the Council, and that the Articles of Grievance (with the aforesaid Votes of the House and Honourable Board) be forthwith Printed for the better Informing the People whom the House Represent.

Sent up by Col. *Dudley* and Capt. *Bullard*.

Edward Bromfield Esq; brought down the Report of the Committee appointed

the Third Day of *December* last to repair to *Natick*, and view the Place Petition'd for by *Thomas Sawin* for Liberty to set a Mill on, and purchase the privilege of a Stream of the Indian Proprietors, pass'd in Council, *viz.* In Council *June 25th. 1723.*

Read and *Ordered*, That this Report be Accepted, and that *Thomas Sawin* have Liberty to set up his Mill accordingly.

Sent down for Concurrence. Read and *Ordered*, That this Report lye on the Table 'till the next Session for further Consideration.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Mercurii Die 26. Junij, A. D. 1723.

Addington Davenport Esq; brought down an Engross'd Bill Entitled, *An Act for Reviving and further Continuing several Temporary Acts, which by their respective Limitations are Expired or near Expiring.* Read, and

Resolved, That the said Bill pass to be Enacted. [51]

The Tax Bill as brought down last Night with the Amendments made thereon by the Honourable Board. Read, And the House Non-Concurr'd the two first Amendments. The other Amendments the House Concur with the Board. Sent up by Col. *Dudley* and Capt. *Bullard*.

A Petition of *Henry Durent*, a Soldier in His Majesty's Service, setting forth, that on his return to his Post (being permitted to go home on Furlow) he unfortunately broke his Legg, and is unable to pay the Doctor, praying for Relief.

Read, And the Question was put, *Whether the Prayer of the Petition should be Granted?* It pass'd in the Negative.

A Petition of *William German*, a Soldier in His Majesty's Service Eastward, under the Command of Capt. *Francis Barker*, setting forth, that by an Inflammation setling in one of his Eyes he has intirely lost the sight of it, and the Charges of his Doctor, amounting to *l.5 6s.* praying the Compassionate consideration of this Court for Relief. Read, and Committed to the Committee for Petitions.

The Memorial of the Trustees of the *l.50,000* Loan, as Entred the 21st. Instant, was Read again, And the Question was put, *Whether the House would Reconsider their Vote for referring the Consideration of the Memorial to the next Session.*

Resolved in the Affirmative. And

Ordered, That the Prayer of the Memorial be Granted, and that the Memorialists have leave to bring in a Bill accordingly. Sent up for Concurrence.

A Message from His Honour, and the Honourable Board, by *Nathaniel Norden*, *Samuel Browne*, and *John Turner* Esqrs. That His Honour observed in His giving Instructions to the Master of the Sloop appointed to Guard the Fishing Coast, that the Limits of the Cruize were too narrowly restrained, for that a great part of the Fishery go as far as *White-Head* to the Eastward of *Cape-Samborough* on their Fishing Voyages, and therefore desire the House would Re-consider their

Vote about Limiting the Cruize at *Cape-Samborough*, that His Honour would give Orders that the Convoy may Cruize as far as *White Head*. The Orders respecting the Sloops Cruize they laid on the Table.

Ordered, That *Elisha Cooke* Esq; go up to the Honourable Board with a Message, that this House conceive they cannot Re-consider a Vote which has pass'd both Houses, and Consented to by the Chair: But if the Board will please to prepare any Vote for Enlarging the Limits of the Cruize, it will have due Consideration when it lies before the House.

The Theses of the Batchelours to be Graduated at the Commencement, to be held at Cambridge the First Wednesday of July next, being produced in the House, and the House observing the Dedication thereof not to be properly Addressed,

Voted, That it is derogatory to the Honour of the Lieut. Governour, who is now Commander in Chief of this Province, and the Head of the Overseers of the College, to have the Impression of those *Theses* go out as they now are,

And therefore,

Ordered, That the Printer Mr. *Bartholomew Green* be and hereby is directed not to deliver any of those *Theses*, 'till they shall be properly Addressed.

Sent up for Concurrence.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *John Shipley*.

Read, and Committed to the Committee for Muster-Rolls.

A Memorial of *Francis Barker*, praying that the Estopple may be taken off his Wages which this Court laid thereon in *November* last, and that he may now be allowed to receive the same out of the Treasury, for the Reasons therein mentioned, Read, and Committed to the Committee for Muster-Rolls. [52]

An Accompt Signed *Luke Smith*, for Billiting Soldiers, in *July 1722*. by Order of Col. *Partrigg*. Read, And

Resolved, That the Sum of *Twenty Three Shillings* be allowed and paid out of the Publick Treasury to the Accomptant *Luke Smith*, in full discharge of this Accompt. Sent up for Concurrence.

An Accompt Signed *William Ward*, for Viewing and taking Accompt of the Province Land Westerly of *Brookfield*, between that and *Swift-River*, Amounting to *l.6 7s. 4d.* Read, And

Ordered, That the Sum of *Six Pounds Seven Shillings & Four Pence*, be allowed and paid out of the Publick Treasury, to *William Ward* for himself and others assisting him in said Service, in full of this Accompt. Sent up for Concurrence.

Nathaniel Norden Esq; brought down the following Vote of Council, viz. In Council *June 26th, 1723*. It being represented by several Persons concerned in the Fishery, that the Vote of this Court, concerning the Cruize of the Guard Sloop to protect the Fishery will not answer the End of the Petitioners, for the Safety of their Vessels and Men. Wherefore,

Resolved, That His Honour the Lieutenant Governour be desired to Order that the said Guard Sloop cruize chiefly on the Coast of *Cape Sables*, and from the *Cape* Eastward as far as *Island Harbour*, or *White Head*; the most of the Fishing Vessels using that Coast and those Grounds, there likewise being the greatest Danger from the Indians. Sent down for Concurrence.

Read and Non-Concurred.

Thomas Fitch Esq; brought down the Tax Bill, passed in Council, *viz.* In Council *June 26th, 1723.* Read. And,

Resolved, That the Board do adhere to their Amendments, with the Reasons why the Board do adhere. Sent down for Concurrence.

Read and Non-Concurred. And,

Ordered, That Mr. *Cooke*, Mr. *Remington*, Mr. *Stoddard*, Mr. *Quincey* and Mr. *Throop* be a Committee to conferr with such as the Honourable Board shall appoint upon the Matter in dispute, between the Houses, respecting the Tax Bill, to meet as soon as may be. Sent up for Concurrence.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock.

VOTES

Of the House of Representatives.

Jovis Die 27. Junij. A. D. 1723.

Colonel *Dudley* from the Committee for Muster Rolls, Reported, *viz.*
On the Muster Roll of Lieut. *Joseph Kellogg*, The Committee find it right Cast and well Vouched by *Samuel Partrigg* Esq; The Committee are of Opinion that the Sum of *l. 226 13s. 10d.* that (being the whole Neet Wages due on this Roll) be paid out of the Publick Treasury to the Officers and Soldiers born on this Roll in full discharge thereof, and that the Sum of *l. 12 9s.* being so much supply'd the Men, together with the Sum of *l. 111 10s. 8d.* for subsisting the Men, mentioned in this Roll, making in the whole the Sum of *l. 123 19s. 8d.* be allowed and paid out of the Publick Treasury to Col. *Samuel Partrigg* in full Discharge of subsisting the Men, and what Stores have been supply'd them to be by him paid to the Person or Persons that have Subsisted or Supply'd any of the Men born on this Muster-Roll.

On an Accompt of Col. *Partrigg* for Meals, &c. subsisting Men, Amounting to *Forty Shillings & Three Pence*, The Committee are of Opinion, That the Sum of *Forty Shillings & Three Pence* be allowed and paid out of the Publick Treasury to *Samuel Partrigg* Esq; in full discharge of the Accompt.

And on the Accompt of Dr. *Thomas Hastings*, tack'd to this Muster-Roll, for Medicines for *Josiah King*, amounting to *7s. 8d.* The Committee are of Opinion that the Sum of *7s. 8d.* be paid out of the Publick Treasury to the within-named *Thomas Hastings* in full discharge of this Accompt.

Read, and Accepted, And

Resolved, That the Sum of *Two Hundred Twenty Six Pounds, Thirteen Shillings and Ten Pence* be allowed and paid out of the Publick Treasury to Lieut. *Joseph Kellogg*, the Officers and Soldiers born on the within Roll to whom the same is respectively due, in full discharge of the Wages of this Roll, And that the Sum of *Twelve Pounds Nine Shillings*, together with *One Hundred & Eleven Pounds, Ten Shillings and Eight Pence*, And the Sum of *Two Pounds & Three Pence*, making in the whole the Sum of *One Hundred Twenty Five Pounds Nineteen Shillings and Eleven Pence*, so much due for supplying and subsisting the Men, as by the within Muster-Roll, and Accompt of Col. *Partrigg* hereto annexed, appears, be allowed and paid out of the Publick Treasury to Col. *Samuel Partrigg* (in full discharge for Subsistence and Supplies of the Men as by the Muster-Roll) to be by him paid to the Person or Persons that have supplied or subsisted any of said Men. And further, That the Sum of *Seven Shillings and Eight Pence* be allowed and paid out of the Publick Treasury to the said *Samuel Partrigg* Esq; for the Use

of Dr. *Thomas Hastings* in full for his Note for Medicines as by the same annexed hereto appears. Sent up for Concurrence.

On the Memorial of Capt. *Francis Barker*, The Committee are of Opinion that the Estople on the Wages of Capt. *Barker* be taken off, and that said Wages amounting to the Sum of *l.63* be allowed and paid out of the Publick Treasury to him accordingly, he having fully satisfied the Committee in Relation to the Men that were admitted into his Company as is set forth in the Memorial of the said *Barker*. Read and Accepted. And [54]

Resolved, That the Sum of *Sixty Three Pounds* be allowed and paid out of the Publick Treasury to Capt. *Francis Barker*, in full for the Wages due to him on his last Muster-Roll, the Estople put thereon the last Session of this Court notwithstanding. Sent up for Concurrence.

On the Accompt of *Elizabeth Smith*, The Committee having Examined the Accompt, find it right Cast, & are of Opinion, That the Sum of *l.4 6s. 11d.* be paid her out of the Publick Treasury for Nursing, &c. on *Theophilus Richardson*, he being in the pay and service of this Government. Read and Accepted, And

Resolved, That the Sum of *Four Pounds, Six Shillings & Eleven Pence*, be allowed and paid out of the Publick Treasury to the Accomptant *Elizabeth Smith*, in full discharge of this Accompt. Sent up for Concurrence.

A Petition of Messieurs *Nicholas Sever & William Welsteed*, two of the resident Fellows of the Colledge at *Cambridge*, praying they may be Vested with the Powers of the Charter as Members of the Corporation, to the End that they may the better be Enabled to carry on the business of the Colledge. Read.

Ordered, That Mr. *Cotton* go up to the Board, to desire they would inform the House whether they have pass'd on the Vote of this House of the 15th of *January* last, respecting *Harvard Colledge*, referred to this Session. Who returned that nothing was done thereon.

Samuel Partrigg Esq; brought down a Bill to Enable the Trustees of the *Fifty Thousand Pounds* Loan to assign over such Mortgages as are made to the Trustees of the said Loan. Read in Council three several Times, and pass'd to be Engross'd. Sent down for Concurrence. Read a First Time.

William Tailer, Penn Townsend, John Cushing, Samuel Browne, & John Turner Esqrs. brought down the following Vote of Council, viz. In Council *June 26th. 1723.*

It being evident to this Board, That the continuing the further Consideration of the Supply of the Treasury to the next Session (as is proposed in a Vote sent up from the Honourable House this Day) will be extreamly prejudicial to the Interest and Safety of this Province, especially in this Time of War, when so great a Number of Officers and Soldiers (whose dependance is on their Wages for Subsistance, will thereby be cut off from present means of Supply, and when the Coast is so often infested with Pirates. The Board therefore desire the Honourable House would not delay to make the necessary Provision for the Discharge of the Publick Debts, and are very ready to concur

therein, so far as shall appear to them practicable and consistent with their Duty & Trust, and most agreeable to the Charter, and the true Interest of the Province.

The Board cannot but express their great surprize at the Vote sent up this Day, the direct Tendency thereof being to create and keep up a Misunderstanding between the Council and House of Representatives, and to Misrepresent the Members of the Council to the People of the Province, and to subvert the very Foundations of Government, and must needs think the most Amicable Method to prevent Misunderstandings and to remove Apprehended Difficulties, to be a Conference, which the Council are always ready to come into.

J. Willard, Secr.

Ordered, That *Elisha Cooke, William Dudley, John Stoddard Esqrs. Capt. Throop* and Mr. *Lewis*, be a Committee to whom the aforesaid Vote of Council, is committed, to take the same under Consideration, and to prepare some suitable Answer, which they may think proper for this House to pass thereon.

The Commissioners appointed to go to *Albany* were admitted into the House, and laid an Accompt of sundry Expences, &c. on the Table, and then withdrew.

Post Meridiem.

An Accompt Signed *Habijah Savage*, amounting to 26s. for billeting *Samuel Lowell* a Souldier in His Majesty's Service. Read, and Resolved, That the [55] Sum of *Twenty Six Shillings*, be allowed and paid out of the Publick Treasury to Major *Habijah Savage* the Accomptant, in full discharge of this Accompt.

Sent up for Concurrence.

A Petition of *Isaac Little*, as entred the 12th Currant. Read again, and in Answer to this Petition, Ordered, That the Petitioner (at his own Cost and Charge) serve *Joseph Mallinson* with a Copy of the Petition, That so he may give in his Reasons (if any he have) on the first Fryday of the next Session of this Court why the Prayer thereof should not be Granted, and that Execution of the Judgment of the Superiour Court be suspended in the mean Time, Any Law, Usage or Custom to the contrary notwithstanding. Sent up for Concurrence.

A Petition of *John Young*, late a Soldier Eastward, under the Command of Capt. *John Shipley*, praying some Allowance may be made him for a great Illness of Body contracted in the Service of this Government, which he heretofore and still labours under, and is discharged the Service as an Invalid.

Read, and Committed to the Committee for Muster-Rolls.

An Accompt of *Samuel Checkley*, County-Treasurer for the County of *Suffolk*, was presented. Read and Allowed. Sent up for Concurrence.

A Petition of *Thomas How* and 64 others, Inhabitants of *Marlborough* and *Stow*, praying leave to obtain a Grant of a Tract of Land lying Westerly of *Rutland*, and Northerly of some part of *Brookfield*, for the Reasons therein mentioned.

Read and referred to the next Session for further Consideration.

Mr. Cooke from the Committee appointed to consider of the Vote of Council, sent down this Morning, Reported (which was Accepted, and is) as follows, viz,

In the House of Representatives, **June 27. 1723.**

UPon Mature Consideration of a Message from the Honourable Board sent down this Day relating to a Vote of the House for further continuing the Consideration of the Supply of the Treasury, &c. The House look upon themselves strictly obliged to make the following Declaration thereon.

This House being always ready and willing to supply the Treasury with such Sums of Money as would both honourably and seasonably discharge the Governments Debts, did some days past come into a Resolve for that purpose, under such Restrictions and Limitations only as were upon very good Grounds and Reasons, as by a Review of the several Sums, drawn upon the Treasury the Year past, (no ways conformable to the Resolve of this Court) and some, after Payment had been denyed, and therefore Voted Grievances by the House, might be made most Conspicuous. And inasmuch as the aforesaid Restrictions and Limitations are in no ways disagreeable to the Powers Granted the General Court in and by the Charter: Had therefore the Honourable Board pass'd a Concurrence thereon, We humbly conceive in so doing they would have Answered the great Trust reposed in them, and the publick Affairs, promoting the true Interest and establishing the Welfare & Prosperity of this Province, very much dispatched.

The House cannot but greatly resent the Expression of the Honourable Board, intimating that, What the House did had a direct Tendency to create and keep a Misunderstanding between the Council and House, (more especially to Misrepresent the Members of the Council to the People of the Province,) For had the Council in their Advice to the Governour respecting the Draughts upon the Treasury, perused the Rules prescribed by the General Court of whom they are one Branch, and consenting thereto, there would have been no such just Remarks made by the House upon those Articles.

But for our Principals to be acquainted with these Things we cannot deem to be a Misrepresenting the Members of the Board, much less subverting the very Foundations of Government, since the aforesaid Articles of Grievances are plain Matters of Fact and Truth. [56]

It shall ever be our study to use all proper and safe Methods for the keeping up and cultivating a good harmony between the two Houses, yet are of Opinion that a Conference on this Subject Matter is altogether inconsistent with the Powers, Priviledges and Usage of the House of Representatives: And to manifest our readiness and sincerity to comply herewith have agreed upon a Resolve for the Supply of the Treasury in another Form. Sent up by Capt. Chambers, Mr. Lewis, Capt. Osgood, Col. Bond, and Mr. Hastings.

Resolved, That the Treasurer be and hereby is directed to Issue forth and Emit (conformable to this Resolve,) the Sum of Twenty Thousand Pounds in Bills of

Credit on this Province, (which have been already delivered to him by the Committee for making and striking off said Bills) for the necessary Defence and Support of the Government, and the Protection and Preservation of the Inhabitants thereof, to be used, imployed and disposed of as is hereby directed in manner following, *viz.* For the Supplying and Supporting *Castle-William*, and the other Forts, Garrisons and Transports within this Province, paying the Officers, Soldiers and Sailors Wages arising for their Service, for the defraying the Charges of this Government already arisen, for Payments of all Grants, Stipends, Salaries, Allowances, Bounties and Premiums, made already or to be made by this Court, according to such Drafts as shall from Time to Time be made upon the Treasurer by Warrant under the Hand of the Governour or Commander in Chief for the Time being, with the Advice and Consent of the Council. Provided no Warrants on the Treasurer for Payment of any Sum or Sums of Money, for the Intents and Uses afore-expressed, be made by the Governour or Commander in Chief for the Time being with the Advice and Consent of the Council, except the Accompts of such Charge be first examined and allowed of by the General Court. Provided also, that such Warrants do Express and Declare that the General Court have Allowed and Resolved, That the Sum or Sums therein mentioned, shall be paid out of the Publick Treasury.

And whereas there may arise in the Recess of this Court some necessary and unforeseen Charges, as Expresses, Dispatches, &c. that may require immediate and prompt Payment, It is *Resolved*, That the Governour or Commander in Chief for the Time being, with the Advice and Consent of the Council may make Drafts upon the Treasurer for the Payment of such Charges, &c. Provided, That such Draughts exceed not the Sum of *Three Hundred Pounds*, part of the *Twenty Thousand Pounds* aforesaid, and the Warrants by which such Draughts are made do express and make mention of said Sum of *Three Hundred Pounds* Appropriated for the Uses and Intents aforementioned only. And the said Bills shall pass out of the Treasury, at the Value therein expressed, equivalent to Money, and shall be so taken and accepted in all Publick Payments, And that the Duties of Impost and Excise shall be a Fund and Security for the Repayment and drawing in the said Bills into the Treasury again, so far as that will reach.

And as a further Fund and Security for the same, It is further *Resolved*, That there be and hereby is Granted unto His most Excellent Majesty for the Ends and Uses aforesaid, and for no other Ends and Uses whatsoever, A Tax of *Three Thousand Pounds* to be Levied upon Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportion upon the several Towns and Districts within the same, as shall be Agreed on and Ordered by the Great and General Court or Assembly of [57] this Province at their Session in *May, One Thousand Seven Hundred and Twenty Five*, and paid into the Treasury on or before the last Day of *December* next after.

And that the further Sum of *Three Thousand Pounds* be Levied upon Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportion on the several Towns and Districts within the same as shall be Agreed on and Ordered by the Great and General Court or Assembly of this Province at their Session in *May, One Thousand Seven Hundred & Twenty Six*, and paid into the Treasury on or before the last Day of *December* next after.

And that the further Sum of *Fourteen Thousand Pounds*, being the Remainder of the aforesaid *Twenty Thousand Pounds* be Levyed upon Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportion upon the several Towns and Districts within the same, as shall be Agreed on and Ordered by the Great and General Court or Assembly of this Province at their Session in *May, One Thousand Seven Hundred and Twenty Seven*, and paid into the Treasury on or before the last Day of *December* next after. Sent up for Concurrence.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Francis Barker*. And

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Robert Temple*.

Both Read and Committed to the Committee for Muster-Rolls.

A Petition of *Thomas Rich* of *Salem*, only Surviving Child of *Martha Corey*, alias *Martha Rich* late of *Salem* deceased, praying the Compassionate Consideration and Commiseration of this Court for the great Losses the Petitioner met with in the Year 1692. for the Reasons in said Petition at large Enumerated, &c. Read, and Committed to the Committee for Petitions. And

Ordered, That Capt. *Epes* be added to the Committee for the Consideration of this Petition.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Veneris Die 28. Junij, A. D. 1723.

^d **A** Bill Entitled, *An Act to Enable the Trustees of the 1.50,000 Pounds Loan, to Assign over such Mortgages as are made to the Trustees of the said Loan.*

Read a Second Time, and pass'd a Concurrence with the Amendment, *viz.* and their Successours in said Trust. Sent up for Concurrence.

Samuel Partrigg Esq; brought down a Bill Entitled, *An Act for the Limitation of Actions brought for Debts due by Book, or on Accompt.* Read three several Days in Council, and pass'd to be Engross'd. Sent down for Concurrence.

Read a First Time.

A Petition of *Ebenezer Allen* Chyrurgeon to the Forces Eastward, with sundry Accompts of Expence, Time, Medicines, &c. there.

Read, and Committed to the Committee for Petitions.

A Memorial of Capt. *Francis Barker* on behalf of *Robert Pierce* a Soldier in his Company, praying for some Allowance for the Loss of His Gun in the Service.

Read, And [58]

Resolved, That the Sum of *Forty Five Shillings* be allowed and paid out of the Publick Treasury to Capt. *Francis Barker*, for the use of the aforesaid *Robert Pierce*, in Consideration of the loss of his Gun. Sent up for Concurrence.

A Memorial of *John Justice*, shewing that he has a Servant named *John Davis* in His Majesty's Service, and born on the Roll of Capt. *Robert Temple*, praying he may be allowed to receive his Servants Wages for the Reasons therein mentioned. Read, and Committed to the Committee for Muster-Rolls.

Whereas the Companies Eastward have not their full Compliments of Men, which should consist of Fifty, but are by Death, Desertion, &c. reduced to a fewer Number, and it not being necessary to retain in the pay of this Government a greater Number of Officers in proportion to the Men. Wherefore,

Voted, That His Honour the Lieut. Governour be desired to make such a *Reform* of the Companies Eastward as that they may consist of Fifty Men in each Company, including Serjeants and Corporals (besides the two Commission Officers) and that the other Officers be accordingly discharged.

Sent up for Concurrence.

Isaac Winslow and *Nathanael Norden Esqrs*; brought down the Bill Entituled, *An Act for the better Regulating the Curing and Culling of Fish*. Pass'd in Council, *viz.* Read three several Times, and pass'd a Concurrence with the Amendments as drawn into the New Bill. Sent down for Concurrence.

Read and Concurred, with the Amendment.

Sent up for Concurrence.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *John Richmond*.

Read, and Committed to the Committee for Muster-Rolls.

Nathanael Paine Esq; brought down a Bill Entitled, *An Act in Amendment of, and Addition to, An Act Entitled, An Act against receiving Stolen Goods, made and pass'd in the Tenth Year of the Reign of King William*. Read in Council Three several Times, and pass'd to be Engross'd. Sent down for Concurrence.

Read a first Time, and *Ordered*, That this Bill lie on the Table for farther Consideration.

A Petition of *James Boutell* of *Framingham*, praying he may be allowed *Five Pounds* for the like value he lost in Cloaths sent to his Son *Ebenezer Boutell*, a Soldier in His Majesty's Service Eastward, but were casually lost before they reach'd his Son. Read, And the Question was put, *Whether the Prayer of the Petition should be Granted?* It pass'd in the Negative.

It appearing to this Court, That the Town of Dartmouth neglect and refuse to Maintain an Able, Learned and Orthodox Minister,

Resolved, That the Salary or Allowance of an Able, Learned and Orthodox Minister for the Town of *Dartmouth* be *One Hundred Pounds*, to be paid out of the Publick Treasury, which said Sum of *One Hundred Pounds*, shall be added to the Proportion of the said Town of *Dartmouth* in their Province Tax for the present Year.

And it is recommended to the Justices of the County of *Bristol* at their next General Sessions of the Peace, to put the Laws of this Province, referring to the Supporting of Ministers in Execution upon the said Town of *Dartmouth*, for not Ordering and Appointing a sufficient and suitable Salary for an Able, Learned and Orthodox Minister, which if duly submitted to, the said Town to be reimbursed either the whole or such Proportion as they pay pursuant to the Order of the said Justices. Sent up for Concurrence.

It appearing to this Court that the Town of Tiverton neglect and refuse to Settle and Maintain an Able, Learned and Orthodox Minister, [59]

Resolved, That an Able, Learned, Orthodox Minister be provided by Order of this Court for the said Town of *Tiverton* for the Year ensuing, and that His Allowance or Salary be *Seventy Two Pounds, Eleven Shillings* to be paid out of the Publick Treasury, which said Sum of *Seventy Two Pounds, Eleven Shillings* shall be added to the proportion of the said Town of *Tiverton* in their Province Tax for the present Year.

And it is recommended to the Justices of the County of *Bristol* at their next General Sessions of the Peace to put the Laws of this Province, referring to the Providing and Supporting of Ministers in Execution upon the said Town of *Tiverton*, by Appointing an Able, Learned and Orthodox Minister, and Ordering a sufficient and suitable Salary for him, which if duly submitted to, the said Town to be reimbursed either the whole, or such Proportion as they pay pursuant to the Order of the said Justices. Sent up for Concurrence.

Post Meridiem.

The Vote of Council for Enlarging the Cruize of the Guard Sloop for the Fishery, as entred the 26th. Currant, and Non-Concurred by the House, was Read again, and upon a Motion being made, the Question was put, *Whether the House would reconsider their Vote.* Resolved in the Affirmative.

Then the Question was put, *Whether the House would Concur with the Vote of Council, That His Honour be desired to give Orders that said Sloop may Cruize and Guard the Coast as far as White Head.* Resolved in the Affirmative.

Edward Bromfield Esq; brought down the Vote respecting *Tiverton*, Sent up before Noon, pass'd in Council, *viz.* Read and Concurr'd with an Amendment.

Sent down for Concurrence. Read and Concurr'd.

The Committee appointed to Enquire into the Mismanagements of some of the

Officers at His Majesty's Garrison at *Castle-William*, have made Enquiry into that Matter, and are informed of sundry Irregularities and Deficiencies there, but cannot at present come at so much certainty of several other Charges of the like nature, as a Matter of so great Importance to this Province necessarily requires, That therefore the further Consideration thereof be referred to the next Session, and that then all suitable Encouragement shall be given to the Soldiers now there (and such others as shall Enlist) by advancing their Pay.

Elisha Cooke, by Order of the Committee.

Read and Accepted.

Whereas this House have proceeded in the Necessary and Weighty Affairs of the Province, so far forth as they can, and having now nothing of Moment before them, and the Advances of the Season greatly requiring their Attendance at home, and being very desirous to Rise. Therefore

Voted, That a Message be sent up to the Honourable Board, that they would forthwith dispatch the Affairs before them, that so Application be made to His Honour the Lieut. Governour for the Courts Rising to Morrow.

Sent up by Capt. *White*, Col. *Buckminster*, Mr. *Choate*, Mr. *Little*, Mr. *Tay*, and Mr. *Gerrish*.

A Petition of *Francis Barker*, praying that several Estoples laid on his Muster-Roll, presented last Fall for Payment, may be taken off for the Reasons therein mentioned. Read, and Committed to the Committee for Muster-Rolls.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock. [60]

Sabbati Die 29. Junij, A. D. 1723.

SAmuel Partrigg, Thomas Fitch, and Samuel Brown Esqrs; brought down the Resolve for Supply of the Treasury as drawn into a New Form, pass'd in Council, viz. In Council June 28th. 1723. Read and Concurred with the Amendments, viz. Dele, from (*Provided no Warrants — to — may rise in the Recess of this Court some*) and add the following Words, viz. *Which Warrants shall express and declare, That the Sum or Sums therein mentioned have been Granted and Allowed by the General Court.* And whereas there do constantly arise in the Recess of this Court — Dele from (&c. *Provided that such Drafts — to — aforementioned only*) Sent down for Concurrence. Read, And the Question was put,

Whether the House would Concur with the Vote of Council?

It pass'd in the Negative. *Nemine Contradicente.*

Benjamin Lynde Esq; brought down an Engross'd Bill Entitled, *An Act for the better Regulating the Curing and Culling of Fish.* Read, And

Resolved, That the said Bill do pass to be Enacted.

John Cushing Esq; brought down an Engross'd Bill Entitled, *An Act to Enable Addington Davenport, Thomas Hutchinson and Edward Hutchinson Esqrs. the*

Surviving Trustees of the Fifty Thousand Pounds Loan, to Assign over such Mortgages as are made to the Trustees of the said Loan. With a Message from His Honour, That His Honour desired to know whether the Muster-Roll of the Garrison at His Majesty's *Castle-William* was pass'd upon.

Mr. Speaker inform'd him that the Committee to whom said Roll was Committed would Report thereon this Morning. Then the aforesaid Bill was Read, and pass'd to be Enacted.

Col. *Dudley* from the Committee of Muster-Rolls, Reported, On the Muster-Roll of the Honourable *William Dummer* Esq; Capt. of *Castle-William*, The Committee having Examined the within Muster-Roll, find it right Cast and well Vouch'd by the Oaths of *William Barnsdale* and *John Larabee*, and according to the Establishment of that Garrison, are therefore of Opinion, That the Sum of *l. 242 16s.* be paid out of the Publick Treasury unto the Officers and Soldiers born on this Roll, to whom the same is respectively due, in full Discharge thereof.

Read and Accepted, And,

Resolved, That the Sum of *Two Hundred Forty Two Pounds Sixteen Shillings*, be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll, to whom the same is respectively due, in full discharge of the Wages thereof. Sent up for Concurrence.

On the Petition of *John Young* as entred the 27th Current, The Committee are of Opinion, That the Sum of *40s.* be paid out of the Publick Treasury to *John Young* the Petitioner in answer to his Request. Read and Accepted. And,

Resolved, That the Sum of *Forty Shillings* be allowed and paid out of the Publick Treasury to the Petitioner *John Young* in answer to his Petition.

Sent up for Concurrence.

A Memorial of Capt. *John Shipley* in behalf of himself and Company, praying for some allowance on account of their Sickness. Read.

And the Question was put, *Whether the Prayer of the Petition should be granted?*

It passed in the Negative. [61]

In the House of Representatives, *June 29. 1723.*

That it is the Duty and Interest of the House of Representatives to take all possible Care that the Treasury be seasonably and sufficiently supply'd to Answer the just Debts of the Government, for which the Publick Faith is plighted, is what we heartily and Unanimously agree in, And to Effect so necessary a Matter, the House did pass a Resolve for the Supply of the Treasury, which was Concurr'd by the Honourable Board with such Amendments, as the House could by no Means come into. The House hoping to accommodate that Difference, Agreed upon another Resolve for Supplying the Treasury, and sent it up for Concurrence, The Board Concurr'd that Vote also with Amendments, which were Read and Debated in the House, and pass'd a

Non Concurrence, Nemine Contradicente, The Amendments of the Board as they are pleas'd to Term them are such as the House cannot possibly agree to, unless they supposed they have answered the Duty and great Trust reposed in them by the People whom they represent, to Supply the Treasury and leave the disposition thereof intirely with the Governour and Council, The aforesaid Amendments having a direct Tendency thereto. And inasmuch as there is no probability of an Agreement at present on this Article, the House having done all that in them lies already with Security to the Rights, Priviledges and Estates of His Majesty's Good Subjects here. Wherefore,

Ordered, That a Message be sent up to His Honour the Lieut. Governour to acquaint him that the House are extremely desirous to Rise this Day.

Sent up by Mr. Speaker, Mr. *Wainwright*, Mr. *Remington*, Mr. *Hastings*, Mr. *Dudley*, Mr. *Fairbanks*, Mr. *Morril*, Mr. *Throop*, Mr. *Adams*, Mr. *Briant*, and Mr. *Osgood*.

An Accompt Signed *Benjamin Gibson*, amounting to *l. 42 8s. 7d.* for his Son's Officiating as Chaplain to the Forces Eastward. Read, and

Resolved, That the Sum of *Forty Two Pounds, Eight Shillings & Seven Pence*, be allowed and paid out of the Publick Treasury to Mr. *Benjamin Gibson* the Accomptant, in full Discharge for his Son's Officiating as Chaplain to the Forces Eastward. Sent up for Concurrence.

A Petition of *John Harvey* Lieut. in the Service of this Government, praying he may have some Allowance for taking Care of *Jacob Leonard*, and *Josiah Caswall*, two Soldiers who dyed in the Service. Read, and the Question was put,

Whether the Prayer of the Petition should be Granted?

It pass'd in the Negative.

A Memorial of *Josiah Winslow*, late Lieut. in the Service and Pay of this Government, praying he may have some suitable Recompence for his Service in the Expedition to *Penobscut*, &c. under Col. *Westbrook*, for the Reasons therein mentioned. Read and Committed to the Committee for Muster-Rolls.

Mr. *Cooke* from the Committee for Petitions, Reported, *viz.*

On an Accompt of Doctor *Ebenezer Allen*, The Committee are of Opinion, That the Sum of *l. 46 1s.* be allowed and paid out of the Publick Treasury to Dr. *Ebenezer Allen* in full Discharge of the Accompt annexed.

Read and Accepted. And

Resolved, That the Sum of *Forty Six Pounds One Shilling*, be allowed and paid out of the Publick Treasury to Dr. *Ebenezer Allen* in full discharge of this Accompt. Sent up for Concurrence.

On an Accompt of Dr. *Ebenezer Allen* for Medicines and Attendance for himself and an Assistant, amounting to the Sum of *l. 178 4s. 2d.* The Committee having examined the Accompt, are of Opinion, That the first Article of *l. 127 10s.* for 51 Weeks Attendance at 50s. by the Week, ought to be 40s. as by Agreement, and therefore that Article be reduced [62] to *l. 110*, that therefore the Sum of *l. 152*

145. 2d. be allowed and paid out of the Publick Treasury to Dr. *Ebenezer Allen*, in full discharge of the within Accompt. Read and Accepted. And

Resolved, That the Sum of *One Hundred Fifty two Pounds, Fourteen Shillings and two Pence*, be allowed and paid out of the Publick Treasury to Dr. *Ebenezer Allen* in full discharge of the within Accompt. Sent up for Concurrence.

On an Accompt of *Thomas Hogg* for Nursing and Attending on *Josiah Richardson*, &c. when Sick at *Arowsick*, certified by Dr. *Allen*, The Committee have examined the above Accompt, and are of Opinion, That the Sum of *l. 3 15s. 10d.* be allowed and paid out of the Publick Treasury to the Accomptant *Thomas Hogg*, in full discharge of said Accompt. Read and Accepted. And,

Resolved, That the Sum of *Three Pounds Fifteen Shillings and Ten Pence*, be allowed and paid out of the Publick Treasury to *Thomas Hogg* the Accomptant, in full Discharge of said Accompt. Sent up for Concurrence.

On the Petition of *Thomas Rich*, The Committee Reported, That in Consideration of the Loss the Petitioner might sustain by being deprived of the Goods mentioned in the Petition together with the many Illegal Actions of the Sheriff and his Officers respecting the Persons charged as Witches, They are humbly of Opinion, That the Sum of *l. 50* be allowed and paid out of the Publick Treasury to the Petitioner *Thomas Rich* in full Recompence of what Damage might accrue to him thereby. Read and Accepted. And accordingly,

Resolved, That the Sum of *Fifty Pounds* be allowed and paid out of the Publick Treasury to the Petitioner *Thomas Rich*, in full satisfaction for the Losses he may have sustained as at large set forth in the Petition.

Sent up for Concurrence.

Nathaniel Paine Esq; brought down a Petition of *Richard Bourden*, Agent for the Town of *Tiverton*, praying that *Joseph Anthony* and *John Sesson* late Assessors of the said Town, may be delivered from His Majesty's Goal in the County of *Bristol* for the Reasons therein mentioned, pass'd in Council, viz. In Council *June 29th. 1723.* Read and Voted, That a Hearing be had on this Petition before this Court on the second Tuesday of the Fall Sessions, and that in the mean time *Joseph Anthony* and *John Sisson*, Assessors for the Town of *Tiverton*, be released from their Imprisonment, they Recognizing before One of His Majesty's Justices of the Peace for the County of *Bristol*, to Attend at the said Hearing, and to Abide and Perform the final Resolves of this Court on the Petition, or Surrender themselves back to the Sheriffs of the County of *Bristol*.

Sent down for Concurrence. Read and Non-Concurr'd.

A Petition of the Town of *Dartmouth* by their Agent *Daniel Wood*, praying that *John Akins* and *Philip Tabor*, may be released and delivered from His Majesty's Goal in the County of *Bristol* (they being late Assessors in the Town of *Dartmouth*,) for the Reasons therein mentioned, pass'd in Council, viz. In Council *June 29th. 1723.* Read and Voted, That a Hearing be had [63] upon

this Petition before this Court on the Second Tuesday of the Fall Sessions, and that in the mean Time *John Akins* and *Philip Tabor*, Assessors for the Town of *Dartmouth*, be released from their Imprisonment, they Recognizing before some One of His Majesty's Justices of the Peace for the County of *Bristol* to Attend at the said Hearing, and to Abide and Perform the final Resolves of this Court on this Petition, or Surrender themselves back to the Sheriffs of the County of *Bristol*. Sent down for Concurrence. Read and Non-Concurr'd.

An Engross'd Bill Entitled, *An Act for Apportioning and Assessing a Tax of Six Thousand Two Hundred & Five Pounds & Seven pence half-penny upon Poles and Estates*. Read and Resolved, That the Bill pass to be Enacted.

Sent up by *John Menzies*, *Jonathan Remington*, *Josiah Cotton* Esqrs. Mr. *Stone*, and Capt. *Throop*.

Col. *Dudley* from the Committee for Muster-Rolls, Reported, On the Muster-Roll of Capt. *John Shipley*, The Committee having examined the same, find it right Cast and Vouched by Capt. *Shipley's* Oath, that the Men contained herein were in actual Service the whole time they stand entred, (except Lieut. *Thomas Buckminster*, Serjeant *Joseph Lampson*, *William Hide* and *Thomas Kidder*, who were absent on Furlow, and taken Sick at their respective homes) The Committee are of Opinion that the Sum of 35*s.* 9*d.* carried out as due to *Joseph Rogers* a Deserter be deducted out of the Sum of *l.* 597 18*s.* 7*d.* and that the remainder viz. *l.* 596 2*s.* 10*d.* being the Neet Wages due on this Roll, be allowed and paid out of the Publick Treasury to the Officers and Soldiers respectively, to whom the same is due, in full Discharge hereof. Read and Accepted. And,

Resolved, That the Sum of *Five Hundred Ninety Six Pounds Two Shillings and Ten Pence*, be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll, in full Discharge of their Wages.

Sent up for Concurrence.

On the Muster Roll of Major *Samuel Moodey*, The Committee having examined the within Muster-Roll find it right Cast and well Vouched by his Oath, That the Men were in Actual Service the whole time they stand inserted therein, are of Opinion that the Sum of *l.* 6 part of the Sum of *l.* 10 carried out as due to *Joshua Moodey* second Lieutenant be struck out of this Roll according to the Resolve of this House, and that the Remainder of the Wages due on this Roll (exclusive of the Loan of the Province Arms, and what Stores have been supplied by the Treasurer in part) amounting to the Sum of *l.* 295 16*s.* 4*d.* being the whole remainder of the Neet Wages due on this Roll, after the Subduction aforesaid, be allowed and paid out of the Publick Treasury to the Officers and Soldiers to whom the same is respectively due, in full Discharge thereof.

Read and Accepted. And,

Resolved, That the Sum of *Two Hundred Ninety Five Pounds Sixteen Shillings and Four Pence*, be allowed and paid out of the Publick Treasury to the Officers

and Soldiers born on the within Roll, to whom the same is respectively due, according to the above Report, in full Discharge of said Roll.

Sent up for Concurrence.

Voted, That Labells be appending to the several Belts of *Wampum* delivered to *William Tailer* Esq, and the Commissioners that went to *Albany*, setting forth by whom and for what Purposes they were given, and that the said Belts be lodged in the Secretary's Office with the Records of the Government, and that the two small Belts be made into One for the Use of the Province. [64]

William Tailer, Penn Townsend, Samuel Partrigg and Nathaniel Paine Esqrs. with Mr. Secretary brought down the following Vote of Council, *viz.*

In Council, *June 29th. 1723.*

Forasmuch as the Council and House of Representatives are not agreed on any Vote for Supply of the Treasury, and it being much for the Honour and Interest of the Government, that the Publick Debts should be speedily paid,

Ordered, That a Message be sent to the Honourable House of Representatives, to desire that they would now proceed to make the usual Allowances, and to pass a Vote for such supply of the Treasury as shall be sufficient to pay the Sums granted and Allowed by this Court.

A Message from His Honour by Mr. Secretary.

Gentlemen, I desire you'll come to some Conclusion upon the Rate of Wages, to be allowed the Officers and Soldiers at *Castle William* for the future, (and since the Determination of the last Inlistment) that Garrison for want thereof being very unsettled, and some of them now demanding their Discharge according to the Act of Inlistment, I am very apprehensive the Garrison will be left without necessary Officers, and that I shall be under an absolute necessity of making an Impress for Centinels, unless this Court shall now Order a suitable Pay.

William Dummer.

Saturday, June 29th. 1723.

Ordered, That the Report of the Committee appointed to Enquire into the Mismanagements of the Subalterns at *Castle-William* be sent up to His Honour the Lieutenant Governour by Col. *Dudley*.

A Petition of Messieurs *Nicholas Sever* and *William Welsteed*, as entred the 27th Currant. Read again, and referred for farther Consideration to the next Session.

Ordered, That Mr. *Cotton* and Capt. *Osgood* go up to His Honour with a Message to acquaint Him, That it is the desire of this House, that His Honour would please to Adjourn or Prorogue the Court to the first Week in *August* next.

A Message by Mr. Secretary from His Honour.

Mr. Speaker, His Honour the Lieutenant Governour desires the Honourable House would send up to him the Names of the Officers at *Castle-William* com-

plained of, and an Account of the Offences they are charged with, that He may make Enquiry into the same, and do what shall be judged proper thereon.

Saturday, *June 29th.* 1723.

Mr. Secretary Informed the House, That it was His Honour the Lieutenant Governour's Pleasure, That the Great and General Court should be Adjourned to Monday next at Three a Clock Afternoon. And then Mr. Secretary declared, That the said Great and General Court was accordingly Adjourned.

BOSTON: Printed by **Bartholomew Green** and **Samuel Kneeland**,
Printers to the Honourable House of Representatives. 1723. [65]

VOTES

Of the House of Representatives.

Lunæ Die 1. Julij, A. D. 1723.

Post Meridiem.

MR. Secretary brought down a Letter which His Honour received from Capt. *Edmund Ward*, and Communicated to the House, giving an Account of Three Persons being Slain, and Three taken Captives by the Indians at *Scarborough* last Week, and that His Honour directed him to inform the House that Capt. *Plaisted* had discovered the Tracts of several Indians at *Berwick*.

Jonathan Dowse Esq; brought down the Report of the Committee appointed the 28th of *November* last, to run the Lines, &c. of a certain Tract of Land adjoining to the Town of *Dorchester*, Signed *Samuel Thaxter*, *Robert Spurr*, and *John Quincy*, with a Vote of Council, viz. In Council *June 29th. 1723*. Read and Ordered, That this Report be Accepted, and that the Attorney General be directed forthwith to bring forward a proper Writ or Writs in the Law to Eject *Daniel Howard*, *Robert Howard*, *Joseph Snell* and *Ephraim Fobes* out of a certain Tract of Province Land, adjoining to *Dorchester* contained in a Plat given in by Col. *Samuel Thaxter* and Col. *William Dudley*, and which is referr'd to in the above Report. Sent down for Concurrence. Read and Concurr'd.

An Accompt Signed *Joseph Marion* for Writing for the General Court, Amounting to *Three Pounds, Nine Shillings*. Read, and

Resolved, That the Sum of *Three Pounds & Nine Shillings* be allowed and paid out of the Publick Treasury to the Accomptant, *Joseph Marion*, in full discharge of the within Accompt. Sent up for Concurrence.

A Plan of Two Hundred Acres of Land (Petition'd for by *John Chandler*, &c. as Entred the 20th of *June* last) formerly Granted to *George Smith*, as is therein particularly discribed and delineated, was presented, Wherefore Ordered, That the said 200 Acres as described in the within Plan agreeable to the Report of the Surveyor and Chain Men under Oath and herewith Exhibited be and hereby is Confirmed unto the Petitioner *John Chandler* and the other Heirs of *Thomas Chandler* deceas'd, and is in full Satisfaction of the Grant made to the aforementioned *George Smith* of Two Hundred Acres of Land, *Anno 1661*.

Sent up for Concurrence.

Penn Townsend, *Samuel Partrigg*, *Nathanael Paine* and *Jonathan Dowse* Esqrs. brought down the following Vote of Council, viz. In Council, *July 1st. 1722*.

The Board cannot but Express their great Concern to find themselves (by the Mes-

sage of the Honourable House of Thursday last, accompanying the Resolve for Supply of the Treasury laid under an inevitable Necessity to make a further Answer in their own Vindication.

The Council are sorry to find that the House make so great a difficulty to come into the Amendments proposed by the Board, when they are so agreeable to the Method practiced upon so many Years with good Success, and much for the Service and Advantage of the Government, and when the dishonourable Restrictions made now and of late by the House have been found by Experience to perplex the Publick Accompts to [66] bring the Government into considerable Difficulties, and to lay a Foundation for what the House call Grievances. And it cannot but be thought that the Affairs of the Province must be much Obstructed and it's Safety Exposed, if the Governour and Council shall be disabled (let the Exigency be never so great) from doing what is necessary for it's Preservation and Protection at all times, but when the General Court is Sitting. And inasmuch as we look upon our Selves no less bound by the Ties both of Interest and Duty than the House of Representatives, to promote the best good of the Province, and the Welfare of those, whom the House term their Principals, We cannot but be deeply affected at the groundless Jealousies and Suspicions of our Fidelity which are Couched in the Vote aforesaid, We having made no Draft at any time upon the Treasury, but when it appeared to us that Equity and the necessary Affairs of the Government required it, of which a Conference (if the House had thought fit to come into it) might probably have given good Satisfaction. Wherefore the Board desire this Court may now proceed in their known and long experienc'd Method of Emissions and Ordering Drafts on the Treasury, which may be done without leaving the disposition thereof intirely with the Governour and Council, as in the Message of Saturday last from the House to His Honour the Lieutenant Governour is insinuated, since very near the whole of the Emission will be necessarily Applied to Answer the Grants and Allowances made by this Court, and the Publick Debts already contracted.

J. Willard Secr.

And then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Martis Die 2. Julij, A. D. 1723.

A Petition of John Dwight and others, the Ancient Proprietors of the Common Lands of Medfield and Medway, setting forth, That at a late Meeting of the Proprietors Assembled for the Division of their Lands, about the Number of 36 of their Inhabitants that had no Right or Claim to the Common or Undivided Lands, Appeared and Voted with them, and by such a mix'd Multitude Voted what was contrary to the true Interest of the Petitioners, and praying a Hearing may be had before this Court, that so they may have Relief in the Premises. Read, and in Answer to this Petition, Ordered, That the Petitioners serve the Adverse Parties, with a Copy of this Petition, and that a Hear-

ing be had before this Court on the Third Wednesday of the next Fall Session, that they may shew forth their Reasons, (if any they have) why the Prayer of the Petition should not be granted. Sent up for Concurrence.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Daniel Gookin*.

Read, and Committed to the Committee for Muster-Rolls.

Ordered, That *Elisha Cooke*, *Jonathan Remington* Esqrs. Capt. *William Throop*, *William Dudley* and *John Stoddard* Esqrs. be a Committee to prepare a Draft for the Supply of the Treasury agreeable to the Directions of the ROYAL CHARTER.

Samuel Thaxter Esq; brought down the Petition of the Town of *Sutton*, as Entred the 4th. and pass'd on in the House the 18th of *June* last, with a Vote of Council thereon, viz. In Council *June* 28th. 1723. Read and Concurr'd with the Amendment. Sent down for Concurrence. Read and Concurr'd.

Sent up.

An Accompt of the Charge of the Committee appointed to run the Line between the Province Land, and the Land granted to *Dorchester*, Signed *Samuel Thaxter*, amounting to *l.3 10s.* Read, and *Resolved*, That the Sum of *Three Pounds Ten Shillings* be allowed and paid out of the Publick Treasury to Col. *Samuel Thaxter* for the Use of the said Committee, in full Discharge of said Accompt. Sent up for Concurrence. [67]

Mr. *Cooke* from the Committee for Petitions, Reported on the Petition of *William German*, The Committee are of Opinion, That the Sum of *l.5 6s.* be allowed and paid out of the Publick Treasury to the Petitioner *William German*, to reimburse what he had expended and paid for the Cure of his Eye: And inas-much as he has in a great measure been incapable of providing for himself by reason of a great pain occasioned as within-mentioned, he be kept upon the Muster-Roll 'till this Time. Read and Accepted, And

Resolved, That the Sum of *Five Pounds Six Shillings*, be allowed and paid out of the Publick Treasury to the Petitioner *William German* for the Charge he has been at about his Eye, and further, that he receive the Pay of this Government as a Soldier to this Time. Sent up for Concurrence.

A Memorial of *William Payne* Esq; late Clerk of the House of Representatives, praying that Execution of a Judgment obtained against him (in his said Capacity) by Capt. *John Alden* at the last Inferiour Court in the County of *Plymouth*, may be stayed, and that he may be allowed Liberty for another Tryal at the next Inferiour Court to be holden within and for the County of *Plymouth*, for the Reasons therein assigned. Read, and

Ordered, That the Prayer of this Memorial be Granted, and that the Memori-alist have leave to bring in a Bill accordingly. Sent up for Concurrence.

Pursuant to the Direction in the Royal Charter in that Clause or Paragraph Impowring the General Court to Impose and Levy Proportionable and Reasonable Assessments, Rates and Taxes,

Resolved, That the Treasurer be and hereby is directed to issue forth and Emit the Sum of *Twenty Thousand Pounds* in Bills of Credit on this Province for the necessary Defence and Support of this Government, and the Protection and Preservation of the Inhabitants thereof, to be issued out and disposed of by Warrant under the Hand of the Governour or Commander in Chief for the time being, with the Advice and Consent of the Council, all which Sum shall be applied for the Uses, Intents and Purposes in this Act hereafter expressed, viz. for the Payment of all Grants, Premiums and Stipends established by Law, for the defraying and paying the Charges of *Castle-William*, and other Forts and Garrisons, Transports, Muster-Rolls of Soldiers and Sailors, Allowances, and all other Accompts of Charges, already allowed and passed on, and which shall be allowed and passed on for Payment by this Court.

And the said Bills shall pass out of the Treasury at the value therein expressed, equivalent to Money, and shall be so taken and accepted in all publick Payments.

And that the Duties of Impost and Excise shall be a Fund and Security for the Repayment and drawing in the said Bills into the Treasury again, so far as that will reach.

And as a further Fund and Security for the same, It is further Resolved, That there be and hereby is granted unto His most excellent Majesty for the Ends and Uses aforesaid, and for no other Ends and Uses whatsoever, a Tax of *Three Thousand Pounds* to be Levied upon Polls and Estates, both real and personal, within this Province, according to such Rules and in such Proportion upon the several Towns and Districts within the same, as shall be agreed on and ordered by the Great and General Court or Assembly of this Prov-[68]ince at their Session in *May, One Thousand Seven Hundred and Twenty Five*, and paid into the publick Treasury on or before the last day of *December* next after.

And that the further Sum of *Three Thousand Pounds* be levied upon Polls and Estates, both real and personal, within this Province, according to such Rules and in such Proportion on the several Towns and Districts within the same as shall be agreed on and ordered by the Great and General Court or Assembly of this Province at their Session in *May, One Thousand Seven Hundred and Twenty Six*, and paid into the Treasury on or before the last day of *December* next after.

And that the further Sum of *Fourteen Thousand Pounds* being the remainder of the aforesaid *Twenty Thousand Pounds*, be levied upon Polls and Estates, both real and personal within this Province, according to such Rules and in such Proportion upon the several Towns and Districts within the same as shall be agreed on and ordered by the Great and General Court or Assembly at their

Session in *May, One Thousand Seven Hundred and Twenty Seven*, and paid into the publick Treasury on or before the last day of *December* next after.

Sent up for Concurrence, by Mr. *Pynchon*, Mr. *Chambers*, Mr. *Shove*, and Capt. *Epes*.

Post Meridiem.

Benjamin Lynde Esq; brought down the following Vote of Council, viz. In Council *July 2d. 1723.* *The Board taking into Consideration the Affair of Samuel & Abel Chapin now Prisoners in the Common Goal in Boston, and finding by the Examinations, Letters, and other Informations on File, That the several Crimes or Offences of Making and Uttering False and Counterfeit Bills (in Imitation of true Bills) of Credit on this Province, and charged on them, were committed in the Colony of Rhode-Island, so far as yet appears, and therefore not so properly Cognizable in any of the Courts of this Province (but ought to be Tried in the said Colony) where the Evidences against them may be had,*

Voted, That the said *Samuel Chapin* and *Abel Chapin* be Remanded and Conveyed back to *Rhode-Island*, in order to their being Tried at the next General Court of Tryals at *Newport*, &c. That the Attorney-General of this Province assist in Impleading the said Offenders, and that the Charge of the Prosecution be defrayed by this Province, and that His Honour the Lieut. Governour be desired to write a Letter to the Governour of *Rhode-Island*, acquainting him with the Resolution of this Court in that Matter.

Sent down for Concurrence.

Read and Non-Concurr'd, And although the House dont think it proper to insert themselves in the Matter of Remanding the Offenders to the Government of *Rhode-Island*, yet they are very willing to come into defraying the Charge of their Prosecution. [69]

A Message from His Honour by Mr. Secretary, That the Board had Concurr'd with the Vote of the House for Supply of the Treasury, and that His Honour had Consented thereto, and desired the House would Expedite the Affairs now before them, that the Court may Rise this Night.

An Accompt signed *Daniel Bagg* amounting to *l. 12 3s. 11d.* for going Express from *Boston* to *Albany*, and back again. Read. And,

Resolved, That the Sum of *Twelve Pounds Three Shillings and Eleven Pence* be allowed and paid out of the publick Treasury to Mr. *Daniel Bagg* in full Discharge of said Accompt. Sent up for Concurrence.

Mr. *Cooke* from the Committee for Petitions, reported, viz.

On the Petition of *David Melvill* and his Accompt, as Entred the *24th. of June*, The Committee are of Opinion, That the Three first Articles of Charge ought not to be paid and defrayed out of the Publick Treasury, that therefore the Sum

of *l.* 26 *11s.* for Entertaining the Indians, be allowed and paid out of the Publick Treasury to the Accomptant *David Melvell*, to discharge this Accompt.

Read and Accepted, And

Resolved, That the Sum of *Twenty Six Pounds Eleven Shillings*, be allowed and paid out of the Publick Treasury to *David Melwill*, in full discharge of his Accompt.

Sent up for Concurrence.

Col. *Dudley* from the Committee for Muster-Rolls, Reported, *viz.* On the Muster-Roll of Capt. *Francis Barker*, the Committee having examined the within Muster Roll containing two Sheets, find it right cast and well vouched by the Oath of Capt. *Barker*, who affirmed that the Men born on the within Roll were in actual Service the whole time inserted, (excepting *William German* ordered to be carried out the whole time by the House) are therefore of Opinion, that the Sum of *l.* 79 *1* *4s.* *11d.* the whole Neet Wages due on this Roll, (exclusive of the Loan of the Province Arms and what Stores have been supply'd by the Treasurer in part,) be allowed and paid out of the publick Treasury to the Officers and Soldiers to whom the same is respectively due in full Discharge of this Roll. Read and Accepted. And,

Resolved, That the Sum of *Seven Hundred Ninety One Pounds Four Shillings and Eleven Pence* be allowed and paid out of the publick Treasury to the Officers and Soldiers born on this Roll, to whom the same is respectively due in full Discharge thereof. Sent up for Concurrence.

On the Petition of Capt. *Francis Barker* as entred the 28th ultimi, Whereas the Committee for examining Muster Rolls the last Year reported on the Oath of *Moses Marcum*, who vouched the Roll of Capt. *Francis Barker* about what had been supply'd by the Commissary in part, amounting in the whole to the Sum of *l.* 44 *9s.* And whereas the said *Barker* hath made it appear, that the Stores supplied the Soldiers amounting to that Sum, were received of Mr. *Gooch* by himself and that Sum is also deducted out of the Men's Wages and lies in the Treasury, altho' Capt. *Barker* has been charg'd with those Stores and paid that Sum, The Committee are of Opinion that the Sum of *l.* 44 *9s.* be allowed and paid out of the Publick Treasury to the said Capt. *Barker* in full Discharge of that Sum in the Column of said *Barker's* Muster-Roll, said to be supply'd by the Commissary in part, in full of this Petition. Read and Accepted.

And, [70]

Resolved, That the Sum of *Forty Four Pounds Nine Shillings* be allowed and paid out of the publick Treasury to Capt. *Francis Barker* in full Satisfaction for the like Value charged in his Roll the last Session, and deducted from the Wages thereof, and in answer to this Petition in full. Sent up for Concurrence.

On the Muster-Roll of Capt. *John Richmond*, The Committee having examined the same, find it right cast and well vouched by *John Tisdale* Clerk of the Company, who affirmed the Men entred in the Roll were in actual Service the whole

time as they are inserted, and whereas the said *John Richmond* is entred Captain, and *John Harvey* Lieutenant, and but Twenty One Men born in the Roll, the Committee are of Opinion, that after the Reduction of the said *Richmond's* Wages to a Lieutenant, and *Harvey's* to a Serjeant, which will reduce the said *Richmond's* to the Sum of *l. 17* and *Harvey's* to *l. 13 6s. 8d.* and whereas Serjeant *Ebenezer Harvey* is born on this Roll three Weeks after he was dismissed, The Committee are of Opinion that the Sum of 40s. be deducted out of his Wages, after which Reductions the Committee are of Opinion, that the Sum of *l. 174 13s. 9d.* being the Neet Wages due on this Roll, (exclusive of the Province Arms,) and what has been supplied by the Commissary, be allowed and paid out of the publick Treasury to the said Officers and Soldiers as the same is respectively due in full Discharge hereof.

William Dudley by Order of the Committee.

Read and Accepted. And,

Resolved, That the Sum of *One Hundred Seventy Four Pounds Thirteen Shillings and Nine Pence* be allowed and paid out of the publick Treasury to the Officers and Soldiers born on the within Roll to whom the same is respectively due, agreeable to the above Report, in full Discharge of the Wages hereof.

Sent up for Concurrence.

Ordered, That a Message be sent up to His Honour the Lieutenant Governour by Mr. *Fairbanks*, Capt. *Little*, and Capt. *Osgood*, to inquire whether His Honour had passed upon all the Acts, Orders and Resolves which have been passed (this Session) by both Houses.

An Accompt Signed *Richard Hall* for the several Committees Expences during this Session. Read. And,

Resolved, That the Sum of *Five Pounds Eleven Shillings and Eight Pence*, be allowed and paid out of the publick Treasury to Mr. *Richard Hall* in full of the above Accompt. Sent up for Concurrence.

A Message by Mr. Secretary from His Honour the Lieutenant Governour, That His Honour had passed upon all the Acts, Orders and Resolves which have passed both Houses this Session.

Resolved, That the Sum of *Three Hundred Pounds* be allowed and paid out of the publick Treasury to His Honour WILLIAM DUMMER Esq; Lieutenant Governour and Commander in Chief of this His Majesty's Province, for His Support in managing the Affairs of the Government.

Sent up for Concurrence by *Elisha Cooke*, *Charles Chambers*, Esqrs. Capt. *Rolf* and Mr. *Johnson*. [71]

Resolved, That the Sum of *Five Hundred Pounds* be allowed and paid out of the publick Treasury to the Honourable the Judges of the *Superiour Court*, in proportion to the Courts they have attended the Year past.

Sent up for Concurrence.

Resolved, That the Sum of *Two Hundred and Fifty Pounds* be allowed and paid out of the publick Treasury to *Jeremiah Allen* Esq; Treasurer of this Province, for his Service the Year past in the Treasury, &c.

Sent up for Concurrence.

Resolved, That the Sum of *Twenty Pounds* be allowed and paid out of the Publick Treasury to *John Wainwright* Esq; Clerk of the House, in part for his Service the Year Current. Sent up for Concurrence.

Resolved, That the Sum of *Twenty Five Pounds* be allowed and paid out of the publick Treasury to Mr. *John Flagg* Door-keeper to His Honour the Lieutenant Governour, and this Court, for his Service half a Year ending the 26th of *June* last. Sent up for Concurrence.

Resolved, That the Sum of *Five Pounds* be allowed and paid out of the publick Treasury to Mr. *Ezekiel Lewis* to be delivered to the Reverend Mr. *Joseph Sewall*, with the Thanks of this House for his Service to them.

Sent up for Concurrence.

Resolved, That the Sum of *Five Pounds* be allowed and paid out of the publick Treasury to the Honourable *Penn Townsend* Esq; to be by him delivered to the Reverend Dr. *Cotton Mather*, for his Service to the Honourable Board.

Sent up for Concurrence.

A Message from his Honour by Mr. Secretary, That His Honour expects this House forthwith to attend him in the Council Chamber.

Mr. Speaker and the House went up accordingly, and Mr. Secretary said, That it was His Honours Pleasure, That the Great and General Court or Assembly should be prorogued to *Wednesday* the *Seventh* Day of *August* next, at Ten a Clock before Noon. And then Mr. Secretary declared, That the Great and General Court or Assembly was prorogued to *Wednesday* the *Seventh* Day of *August* next accordingly, at Ten of the Clock in the Forenoon.

In the House of Representatives.

WHEREAS a Difference has arisen about the Resolve for the Supply of the Treasury between the Honourable Board and the House, Resolved, That the Vote for said Supply be Printed as it passed in the House, and Concurr'd by the Board with the Amendments, together with the several Articles of Grievance. Which are as follow.

In the House of Representatives, *Jovis Die 13. Junij*, A. D. 1723.

THe Committee for Auditing the Treasurers Accompts observe several Articles in the Accompt and Orders of the Governour and Council for Drafts out of the Treasury from the Sums of *l.300* and *l.500*, for the Necessaries of the Government in the Recess of the Court not conformable to the Resolve of the General Court for Supply of the Treasury. As,

An Article of *l. 30* paid *Richard Frost* and *Rowland Dike* as Halberdiers, altho' the said Sum was Petition'd for, and deny'd by the House of Representatives.

And another Article of *l.56 15s.* paid *Edward Winslow* Esq; Sheriff of the County of *Suffolk* for Service done, although used always to be presented to the Court, and which was done at *Cambridge*, Anno 1721, and some particulars in the Accompts of the said *Winslow* of the like Nature then disallowed, but now paid by Order of the Governour and Council.

An Article of *l.39 10s.* paid *Penn Townsend* Esq; for himself and others, for going down Eastward. And another Article of *l.4 10s.* paid *Benj. Rolfe* Clerk to the said Commissioners.

And one other Article paid the Hon. Col. *Tailer* of *l.107 14s. 2d.* for himself and others, going with the Delagates Eastward. And *l.25 11s. 8d.* paid Mr. *Josiah Willard* of *Lancaster* for bringing down Indians from thence, although the General Court was then Sitting, and continued some time after the Gentlemen returned.

Another Article of *l.165 18s. 2d.* paid *David Melvill* Prison-keeper, for Sundrys done for the Province, although the General Court had a long Session after the same, all which Accompts of said *Milvill* ought to have been presented, according to the said Resolve for Supply of the Treasury.

Also we observe many Drafts upon the Treasury not expressing out of which Appropriated Sum, the same is to be paid, particularly the Sums of *l. 14 9s. 7d.* *l.11 5s. 2d.* and *l.3* paid to *Samuel Partrigg* Esq; for Expresses, &c. *l.9 14s.* paid to *Davis*, *l.70* paid to *Luke Vardey*, *l.21 18s.* paid to *Carter*, *l.6* to *Brentnall*, *l.7 1s. 3d.* paid to *Joseph Maylem*, *l.10* paid to *Blanchard*, *l.3 8s.* paid to *Bryant Tool*, all which Sums paid out of the Treasury by Warrant from the Governour and Council, not expressing out of which Appropriated Sums according to the aforesaid Resolve for Supply of the Treasury, we Account Grievances,

and humbly propose some effectual Care be taken to prevent the like practice for the future.

Read and Accepted, and each of the foregoing Articles were Voted Grievances.

Sent up by Col. *Bond*, Col. *Bourn*, Capt. *Hill*, Major *Pynchon*, and Capt. *Epes*. [2]

In the House of Representatives, *June 27. 1723.*

R *Resolved*, That the Treasurer be and hereby is directed to Issue forth and Emit Conformable to this Resolve, the Sum of *Twenty Thousand Pounds* in Bills of Credit on the Province (which have been already delivered to him, by the Committee for making and striking off said Bills) for the necessary Defence and Support of the Government, and the Protection and Preservation of the Inhabitants thereof, to be used, employed and disposed of as is hereby directed of in manner following, *viz.* For the supplying and supporting *Castle-William*, and the other Forts, Garrisons and Transports within this Province, paying the Officers, Soldiers and Sailors Wages arising for their Service, for the defraying the Charges of this Government already arisen; for Payment of all Grants, Stipends, Salaries, Allowances, Bounties and Premiums made already or to be made by this Court, according to such Draughts as shall from time to time be made upon the Treasurer by Warrant under the Hand of the Governour or Commander in Chief for the time being, with the Advice and Consent of the Council, Provided no Warrants on the Treasury for Payment of any Sum or Sums of Money for the Intents and Uses afore-expressed, be made by the Governour or Commander in Chief for the time being, with the Advice and Consent of the Council, except the Accompts of such Charges be first examined and allowed of by the General Court. Provided also that such Warrants do express and declare, That the General Court have allowed and resolved, That the Sum or Sums therein mentioned shall be paid out of the publick Treasury. And, Whereas there may arise in the Recess of this Court, some necessary and unforeseen Charges, as Expresses, Dispatches, &c. that may require immediate and prompt Payment. It is *Resolved*, That the Governour or Commander in Chief for the time being, with the Advice and Consent of the Council, may make Draughts on the Treasurer for the Payment of such Charges, &c. Provided, That such Draughts exceed not the Sum of *Three Hundred Pounds*, part of the *Twenty Thousand Pounds* aforesaid, and the Warrants by which such Draughts are made do express and make mention of the said Sum of *Three Hundred Pounds* appropriated for the Uses and Intents afore-mentioned only. And the said Bills shall pass out of the Treasury at the Value therein expressed Equivalent to Money, and shall be so taken and accepted in all publick Payments, and that the Duties of Impost and Excise shall be a Fund

and Security for the Re-payment and drawing in the said Bills into the Treasury again so far as that will reach.

And as a further Fund and Security for the same, It is further *Resolved*, That there be and hereby is granted unto His most Excellent Majesty for the Ends and Uses aforesaid and no other Ends and Uses whatsoever, a Tax of *Three Thousand Pounds* to be levyed upon Polls and Estates both real and personal within this Province, according to such Rules and in such Proportion upon the several Towns and Districts within the same, as shall be agreed on and ordered by the Great and General Court or Assembly of this Province at their Session in *May, One Thousand Seven Hundred and Twenty Five*, and paid into the Treasury on or before the last Day of *December* next after.

And that the further Sum of *Three Thousand Pounds* be levied upon Polls and Estates, both real and personal within this Province, according to such Rules and in such Proportion on the several Towns and Districts within the same, as shall be agreed on and ordered by the Great and General Court or Assembly of this Province at their Session in *May, One Thousand Seven Hundred and Twenty Six*, and paid into the Treasury on or before the last Day of *December* next after. [3]

And that the further Sum of *Fourteen Thousand Pounds*, being the Remainder of the aforesaid *Twenty Thousand Pounds* be levied upon Polls and Estates both real and personal within this Province, according to such Rules and in such Proportion upon the several Towns and Districts within the same, as shall be agreed on and ordered by the Great and General Court or Assembly of this Province at their Session in *May, One Thousand Seven Hundred and Twenty Seven*, and paid into the Treasury on or before the last Day of *December* next after.

Sent up for Concurrence.

John Clark Speaker.

In Council *June 28. 1723.* Read and Concurr'd with the Amendments.

Sent down for Concurrence.

Josiah Willard Secr.

In the House of Representatives *June 29th. 1723.* Read. And the Question was put, *Whether the House would Concur with the Vote of the Council?*

It passed in the Negative, *Nemine Contradicente.*

John Clark Speaker.

Which Vote as Amended by the Council, Resolves
the said Supply in the Form following.

R*esolved*, That the Treasurer be and hereby is Directed to Issue forth and Emit Conformable to this Resolve the Sum of *Twenty Thousand Pounds* in Bills of Credit on the Province, which have been already delivered to him by the Committee for the making and striking off said Bills) for the necessary Defence and Support of the Government, and the Protection and Preservation of the Inhabitants thereof, to be Used, Employed and Disposed of as is hereby Directed in manner following, *viz.* For the Supplying and Supporting *Castle-William*, and the other Forts, Garrisons and Transports within this Province, paying the Officers, Soldiers and Sailors Wages arising for their Service, for the Defraying the Charges of this Government already arisen; For Payment of all Grants, Stipends, Salaries, Allowances, Bounties and Premiums made already or to be made by this Court, according to such Draughts as shall from time to time be made upon the Treasurer by Warrant under the Hand of the Governour or Commander in Chief for the time being, with the Advice and Consent of the Council. *Which Warrants shall express and declare that the Sum or Sums therein mentioned have been Granted and Allowed by the General Court. And whereas there do constantly arise in the Recess of this Court necessary and unforeseen Charges, as Expresses, Dispatches, &c. that may require immediate and prompt Payment,* [4] It is *Resolved*, That the Governour or Commander in Chief for the time being with the Advice and Consent of the Council, may make Draughts on the Treasurer for the Payment of such Charges. And the said Bills shall pass out of the Treasury at the value therein Expressed Equivalent to Money, and shall be so Taken and Accepted in all Publick Payments. And that the Duties of Impost and Excise shall be a Fund and Security for the Repayment and Drawing in the said Bills in the Treasury again so far as that shall reach.

And as a further Fund and Security for the Same, It is further *Resolved*, That there be and hereby is Granted unto His most Excellent Majesty for the Ends and Uses aforesaid, and for no other Ends and Uses whatsoever, A Tax of *Three Thousand Pounds* to be Levied upon Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportion upon the several Towns and Districts within the same, as shall be Agreed on and Ordered by the Great and General Court or Assembly of this Province at their Session in *May, One Thousand Seven Hundred & Twenty Five*, and paid into the Treasury on or before the last Day of *December* next after.

And that the further Sum of *Three Thousand Pounds* be Levied upon Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportion on the several Towns and Districts within the

same, as shall be Agreed on and Ordered by the Great and General Court or Assembly of this Province at their Session in *May, One Thousand Seven Hundred & Twenty Six*, and paid into the Treasury on or before the last Day of *December* next after.

And that the further Sum of *Fourteen Thousand Pounds*, being the Remainder of the aforesaid *Twenty Thousand Pounds* be Levyed upon Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportion upon the several Towns and Districts within the same, as shall be Agreed on and Ordered by the Great and General Court or Assembly of this Province at their Session in *May, One Thousand Seven Hundred and Twenty Seven*, and paid into the publick Treasury on or before the last Day of *December* next after.

B O S T O N: Printed by **Bartholomew Green** and **Samuel Kneeland**,
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A
JOURNAL
Of the House of
Representatives.

At a Great and General Court or Assembly of this His Majesty's Province of the Massachusetts-Bay, in ~~New-England~~, Begun and Held at ~~Boston~~, on Wednesday the Twenty-Ninth Day of ~~May~~, Anno Domini, 1723. And continued by Prorogation to Wednesday the Seventh Day of ~~August~~ following, and then Met.

A Number of the Members sufficient to constitute a House appearing, *Ordered*, That Capt. *Cawley*, Capt. *Throop*, and Capt. *Osgood* go up with a Message to His Honour the Lieutenant Governour to acquaint Him that a Quorum of the House are now met, and ready to proceed to the Business of the Session.

A Message from His Honour the Lieutenant Governour by Mr. Secretary, That His Honour directs this House forthwith to attend Him in the Council Chamber.

Mr. Speaker and the House went up accordingly, and His Honour made a SPEECH, of which Mr. Speaker obtained a Copy, and then with the House returned to their own Chamber.

His Honour's SPEECH is as follows,

GENTLEMEN,

I Made this Short Adjournment only for your Advice in the intended Treaty to be had with the Eastern Indians, by the Desire of our good Friends, The Six Nations, and it being an Affair of great Importance to this Province, 'twill merit your best attention.

The Days prefixed by the Six Nations, for their Arrival here will not be compleated 'till the next Week.

In the mean time it may be worth your while to consider of some effectual Means to Suppress those Villainous People, who drive a Trade in Counterfeiting the Bills of this Province, as well as those of the Neighbouring Governments, to which End I shall lay before you, some late discoveries that have been made of these Matters.

GENTLEMEN,

There is nothing more that I shall recommend to you at this time, for doubtless you will all be desirous to return as soon as may be to your own private Affairs at this busy Season of the Year.

W. DUMMER. [2]

Penn Townsend Esq; brought down an Examination (with the other Papers, &c.) taken before Nathaniel Byfield Esq; for the discovery of Counterfeited Bills, which His Honour communicated to the House.

Edward Bromfield Esq; brought some further Examinations taken before Three of His Majesties Justices of the Peace for the County of Suffolk, respecting the Discovery of Counterfeited Bills of Credit. Which were Read.

Ordered, That Mr. Lewis, Mr. Dudley, Capt. Throop, and Mr. Cooke, with such as the Honourable Board shall appoint be a Committee to take under consideration the several Examinations taken for the discovery of the Villainous practices of Counterfeiting Bills of Credit, and report what they think proper for this Court to do for the discovery and suppressing the same.

Sent up for Concurrence.

Post Meridiem.

A Bill to enable William Paine Esq; late Clerk of the House of Representatives to have a New Tryal at the next Inferiour Court of Common Pleas, to be holden at Plymouth within and for the County of Plymouth, of an Action brought against him by John Alden of Duxborough in said County, Gent. and Tryed at the last Inferiour Court held in the County of Plymouth. Read a first Time.

A Petition of Messieurs Nicholas Sever & Wm. Welsteed two of the Resident Fellows at Harvard Colledge in Cambridge, referred to this Session, praying they may be vested with the powers of the Charter, as Members of the Corporation, to the End that they may the better be enabled to carry on the business of the Colledge.

Read. And in Answer to this Petition the following Vote pass'd, Viz.

Whereas a Committee appointed by this Court at their Session in May 1722, to consider a Memorial of the Overseers of Harvard Colledge, referring to the Enlargement of the Foundations of that Society, did upon mature Consideration of the said Memorial, and the said Colledge Charter 1650, (which is their present Constitution,) Report the following Resolutions and Conclusions to be put in practice by the Corporation, as being in the Committees Opinion more beneficial to that Society, than an Enlargement of the Foundation.

I. That it was the Intent of the said Colledge-Charter, That the Tutors of the said Colledge, or such as have the Instruction and Government of the Students there, shall be Fellows and Members of the Corporation of the said Colledge, Provided they exceed not Five in Number.

2. That none of the said Fellows be Overseers.

3. That the President and Fellows of the *Colledge*, or the major part of them, are not Warranted by the said Charter of the *Colledge* to fix or establish any Salary or Allowance for their Service, without the Consent and Approbation of the Overseers.

And whereas the Committees Report was Accepted, and it was Resolved by both Houses that the Corporation for the future practice accordingly, but the Governours Consent being signified and declared, with a Proviso (which as we humbly conceive) is not according to Usage, and the said Resolve is thereby in some measure rendred ineffectual. Wherefore in Order that the said Resolve (so necessary to the well-being of that Society) may obtain the good and beneficial Ends designed thereby,

Resolved, That the same be and hereby is revived, and declared to be the Rule for the future proceedings of the Corporation of Harvard Colledge.

Sent up for Concurrence by Major *Quincy* and Mr. *White*.

A Petition of *Stephen Perkes*, setting forth that whereas he had intermarried with *Martha Mountjoy*, (Relict of *Josiah Mountjoy* late of *Boston* deceased who was favoured with a Licence to keep an Inn or Tavern; and the Petitioner having obtained the Approbation of the Select Men of the Town of *Boston* in his own Name for keeping a Tavern, which he Presented to the Justices of the County of *Suffolk*, at their last General Sessions of the Peace for Allowance, and the said Justices did not see Cause to grant him a Licence to keep a Tavern, the Petitioner having laid out his Substance in the Employment of a Taverner to enable him to bring up a large Family of Children, praying that this [3] Court would please to Authorize and Impower the Justices for the County of *Suffolk* at their next General Sessions of the Peace to grant him a Licence for a Tavern-keeper.

Read and *Ordered*, That it be recommended to the Justices for the County of *Suffolk* at their next General Sessions of the Peace to take the Subject matter of this Petition under Consideration, and that they be and hereby are allowed and impowered (if they see cause) to grant a Licence to the Petitioner for a Taverner: Any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

Whereas the Last Impression of the Laws of this Province is near out, and it being necessary that the New Towns (as well as others) should be furnished with the Laws for their Government, and Mr. Nicholas Boone of Boston having made some Proposals for taking off a New Impression,

Ordered, That upon the said *Boone's* delivering into the Secretaries Office Two Hundred & Fifty Law Books well bound in Leather (One whereof to be to and for the Use of each Town in this Province, and One for every Member of this Court) the said *Nicholas Boone* shall have and receive out of the Publick Treas-

ury, the Sum of *One Hundred & Fifty Pounds*, and shall have the Sole Priviledge of printing them for Twenty Years to come. Sent up for Concurrence.

Then the House Adjourn'd till to Morrow Morning Nine a Clock.

Jobis Die 8. Augusti A. D. 1723.

AN Accompt signed *Daniel Russel* County Treasurer for the County of *Middlesex*, was presented for Allowance. Read, and Allowed with the Subduction of the two Articles noted in the Audit, and an Article of 24s. paid to *Samuel Long* by Order of the Superiour Court; for that the Superiour Court are not impowered to make Drafts upon the County Treasurer, The Court of General Sessions of the Peace for said County being adjourned by this Court at their Session in *May*, is the Reason the Accompt was not then presented.

Sent up for Concurrence.

A Letter signed *Anthony Sanderson* directed to Mr. Speaker, dated *White-Hall May 8th. 1723.* Read.

An Accompt signed *Zechariah Symmes* for Expences on a Journey from *Boston* to *Hatfield*, by order of the Lieutenant Governour and Council, amounting to *l. 7 6d.* Read and Committed to the Committee for Petitions.

Whereas in the Desolation made by Fire when the Town House at Boston was burnt some Years ago, sundry Papers and Records &c. of the Government, of great Value and Importance to the Province were saved, and now lodged again in the Court House, but in great Disorder and Irregularity.

Ordered, That *Elisha Cooke, William Dudley* and *William Payne* Esqrs. be desired at the Charge of the Government to search those Papers, and File them in their proper Order and Course.

Post Meridiem.

A Petition of *Roger Talbot* Mate of the Sloop *George* a Transport in His Majesty's Service Eastward, shewing that he had taken the Distemper that was prevailing in the Army, and labours under Pains of Body, and has been at some Expence with Doctors, for obtaining a Cure, praying for Relief. Read, and the Question was put, *Whether any Allowance be made to the Petitioner?*

It passed in the Negative.

A Message from His Honour by Mr. Secretary, communicating a Letter from Col. *Schuyler* directed to Col. *Partrigg* and Col. *Stoddard*, respecting the Management of the French with the Eastern Indians. Read.

A Petition of *William Woodward* a Soldier late in the Service under the Command of Col. *John Wheelwright*, shewing that in the Service of the Government, as he was discharging his Musket, it broke in pieces his Left Hand, whereby he has wholly lost the use of that Hand, and rendered incapable of supporting him-

self, praying the Compassionate Consideration of this Court.

Read and Committed to the Committee for Petitions. [4]

John Cushing Esq; brought down the Report of the Committee of both Houses for Suppressing and Discovery of the Vile Practices in Counterfeiting Bills of Credit. Sign'd *Penn Townsend* in the Name of the Committee. Passed in Council, viz. In Council *August 8th 1723*. Read, and Ordered that this Report be Accepted with the Amendments. Sent down for Concurrence.

Read and Concurred.

Mr. Speaker according to Order, Presented *A Bill Entituled, An Act for preventing Abuses in Distilling of Rhum and other strong Liquors with leaden Heads or Worms*. Which was read a first time.

A Petition of *John Goddard* late Lieutenant of the Company under the Command of Capt. *Johnson Harman*, praying that the Estople laid on his Wages in *December* last, may be taken off for the reasons therein mentioned.

Read and Committed to the Committee for Petitions.

Edward Bromfield Esq; brought down the Proceedings of the Justices of the County of *Bristol*, respecting the Arrearages due to the Reverend Mr. *Thomas Creaghead*, from the Town of *Freetown*, wherein it appears that they find due to Mr. *Creaghead* *l.155 10s.7d.* exclusive of what he has as yet received, for which, Rates are made, and Committed with the Warrants to Collect the same, and payable to the said Mr. *Creaghead*, with a Memorial of the said Mr. *Creaghead*, that notwithstanding the said Rate made payable to him for the aforesaid Sum, which is to be Collected from the Town of *Freetown*, he may receive the like value, or at least one half thereof out of the publick Treasury, for the Reasons therein given. Passed in Council, viz. In Council *August 8th 1723*.

Read and Sent down. Read and Sent up.

A Memorial of *Isaac Little* of *Marshfield* setting forth that by Reason of his Sickness He is rendered incapable of attending his Duty in the House, as well as serving *Joseph Mallinson* with a Copy of his Petition, presented to this Court the last Session, that he may give in his Reason (if any he have) why the Memorialist should not have the Liberty of a Rehearing of an Action of Review, which he brought against the said *Mallinson*, at the Superiour Court at *Plymouth*, Anno 1720. and praying that he may have further time allowed him to serve said *Mallinson* with a Copy of said Petition, in order to give in his Reason as aforesaid.

Read. And in Answer to this Memorial. Ordered, That the Memorialist serve the said *Joseph Mallinson* with a Copy of his Petition to this Court in *May* last (at his Cost and Charge) that so he may give in his Reasons (if any he have) on the First Fryday of the next Fall Session, why the prayer thereof should not be Granted, And that Execution of the Judgment of the Superiour Court be stayed in the mean time, any Law, Usage or Custom to the contrary notwithstanding. Sent up for Concurrence.

Samuel Partrigg Esq; brought down a Memorial of *Capt. John Alden* of *Duxborough*, setting forth some Reasons against the Bill to Enable *Mr. Payne* to have a new Tryal of the Action said *Alden* brought against him last *March* at *Plymouth*.
Read.

A Bill Entitled *An Act to Enable William Payne Esq; late Clerk of the House of Representatives, to have a new Tryal at the next Inferiour Court of Common Pleas to be holden at Plymouth for the County of Plymouth, of an Action brought against him by Capt. John Alden of Duxborough, and Tryed at the last Inferiour Court held in said County.* Read a Second Time.

A Bill Entituled, *An Act in further Addition to and Explication of an Act Entituled, An Act for the Settlement and Distribution of the Estates of Intestates, Made in the Fourth Year of the late King William and Queen Mary.* Read a 1st Time.

Then the House Adjourned till to morrow Morning Nine a-Clock. [5]

Veneris Die 9 Augusti A. D. 1723.

A Petition of *Bartholomew Jackson* of *Marblehead*, shewing that he was sued in an Action of Trespass and Ejectment, by *Nicholas Andrews* and *Mary* his Wife, Administrators *de bonis non* on the Estate of *Samuel Read* of *Marblehead* aforesaid in the County of *Essex* deceased, for Possession of a certain piece of Land Messuage, &c. in *Marblehead*, which the Petitioner (as he alledges) honestly bought and paid the said *Samuel Read* for in his Life Time, but the said *Nicholas Andrews* and *Mary* his Wife (who was Relict of the said *Samuel Read*) procuring Letters of Administration *de bonis non* brought their Action against the Petitioner at the Inferiour Court held at *Salem*, for the County of *Essex* in *December* last, to which he pleaded in abatement (which being overrul'd, and issue joined) Judgment went against the Petitioner, from which Judgment the Petitioner appealed to the next Superiour Court reserving his Pleas in Abatement, and the said *Nicholas Andrews* and *Mary* his Wife in the mean time had a Meeting with the Petitioner, when they promised to give him a quit Claim of the Premises before the sitting of the Superiour Court, which the Petitioner depended upon, and so neglected to File his Reasons of Appeal, so that the said *Andrews* and *Mary* his Wife filed a Complaint at the Superiour Court held at *Ipswich*, in *May* last, and obtained Confirmation of the former Judgment, and the Petitioner is now without Remedy in the Law, Wherefore prays that by a private Act he may be enabled to File his Reasons of Appeal from the said Judgment of the said Inferiour Court 14 Days before the sitting of the Superiour Court next to be holden within and for the County of *Essex*, and that the Judges of the said Court, may be enabled to hear (and pass Judgment upon) the said Cause as well upon the Pleas in abatement as upon the Merits. Read. And,

Ordered, That the Petitioner serve the Adverse Parties with a Copy of this

Petition, that so they may shew Cause (if any they have) on the 14th Day of this Instant *August*, why the Prayer of the Petition should not be granted.

Sent up for Concurrence.

Mr. *Cooke* from the Committee for Petitions, Reported on the Petition of *William Woodward*, That the Committee are humbly of Opinion that the Sum of *l.12 10s.* be allowed and paid out of the publick Treasury to the Petitioner *William Woodward* yearly during his Life, and he be retained in the Service and Pay of this Government at His Majesty's *Castle-William*, (if he see Cause.)

By Order, *Elisha Cooke*.

Read and Accepted. And,

Resolved, That a Pension of *Twelve Pounds Ten Shillings* per Annum, be allowed and paid out of the publick Treasury to the Petitioner *William Woodward* during his natural Life, and that he be retained in the Pay and Service of this Government at His Majesty's *Castle-William*, if he see Cause.

Sent up for Concurrence.

A Memorial of *Francis Thresher* of *Boston* for the Encouragement of the Linnen Manufactory in this Province. Read. And,

Ordered, That Mr. *Cooke*, Mr. *Dudley*, Capt. *Epes* and Mr. *Remington* with such as the Honourable Board shall appoint be a Committee to consider of this Memorial and Report what they think proper for this Court to Act for the better Encouragement of the Linnen Manufactory in this Province.

Sent up for Concurrence.

A Petition of *John* and *Zechariah Hubbard*, Executors of the last Will and Testament of Capt. *Zechariah Tuthil* of *Boston* deceased, praying they may be allowed to receive out of the publick Treasury the Sum of *Three Hundred Thirty Eight Pounds, Six Shillings and Seven Pence*, so much the said Capt. *Tuthil* lost by Victualling His Majesties Garrison at *Castle-William*, as by the Accompts thereof appears. Read and Committed to Col. *Stoddard*, Capt. *Cawley*, Capt. *Chambers*, Capt. *Osgood* and Mr. *Choate*, to report what they think proper for this Court to act thereon. [6]

A Memorial of Capt. *John Alden*, setting forth his Reasons against passing Mr. *Payne's* Bill. Read again.

A Bill Entitled *An Act to Enable William Payne Esq; late Clerk of the House of Representatives, to have a new Tryal at the next Inferiour Court of Common Pleas to be holden at Plymouth for the County of Plymouth, of an Action brought against him by Capt. John Alden of Duxborough, and Tryed at the last Inferiour Court held in said County.* Read a Third Time.

And pass'd to be Engross'd. Sent up for Concurrence.

A Plan of Three Hundred Acres of Land (Petition'd for by *Thomas Amsden* and *Jeremiah Barstow* for themselves and others the Children and Heirs of *Joseph How*, sometime of *Marlborough* in the County of *Middlesex* deceas'd, as entred

the 7th of *June* last) Granted to Mr. *William Habberfield*, Anno 1698, as is therein particularly delineated and described, was presented, Wherefore,

Ordered, That the said Three Hundred Acres as described in the within Plan (agreeable to the Report of the Surveyor and Chain-Men under Oath) and herewith Exhibited, be and hereby is confirmed unto the Heirs and proper Representatives of the said *Joseph How*, as he is Assignee of the said *William Habberfield*, and is in full Satisfaction of the Grant made to the said *William Habberfield*. Provided, That there be not more than Three Hundred Acres within the Limits described in the Plan, and that it infringes not on any other former Grant.

Sent up for Concurrence.

A Petition of *Gershom Rice*, *James Rice*, and 65 others, Inhabitants of this Province, praying that they may have a Grant of a Tract of Land belonging to this Province between the Townships of *Rutland*, *Shrewsbury*, *Lancaster New Grants*, and *Turkey Hills*, and bounded Westerly on the Wilderness, including the Great *Wachusett-Hills*, in order for Setling a Township, under such Conditions, Restrictions and Limitations as to this Court shall seem meet. Read, And Referred to the next Session for further Consideration.

John Cushing and *Edmund Quincy* Esqrs. with Mr. Secretary, brought down a draft of a Proclamation, prepared for Suppressing and Discovery of the Vile Practice of Counterfeiting and Uttering the Bills of Credit on this and the Neighbouring Governments. Which Mr. Secretary read in the House.

A Petition of *John Brown* of *Boston*, praying, That whereas for some time past he has been allowed to be a Retailer in *Boston*, and having at the time for renewing Licences this Year obtained the Recommendation of the Select-Men of this Town, for his being continued a Retailer, which he presented to the Justices of the Peace for the County of *Suffolk*, for Allowance, who were pleased to disallow of the same; whereby he is incapacitated to get a Livelihood for himself and Family, and an Aged Father, having laid out his Substance in necessities for Retailing. Read and *Ordered*, That it be recommended to the Justices for the County of *Suffolk* at their next General Sessions of the Peace to take the Subject-matter of this Petition under Consideration, and that they be and hereby are empowered (if they see Cause) to grant a Licence to the Petitioner for a Retailer, the Time by Law for Granting Licences for this present Year being elapsed notwithstanding. Sent up for Concurrence.

A Petition of *Mary Langdon*, Relict Widow of *James Langdon* late of *Boston* Retailer deceased, shewing that whereas her late Husband was allowed to be a Retailer in his life time, and since his Death the Petitioner has paid the Duties of Excise, and not knowing but that she might in her own Name be allowed to be a Retailer, without Application to the Justices of *Suffolk* in their last Session for granting the same, and being reduced to low Circumstances by reason of her Husbands Death, and other Misfortunes, praying this Court would please to

impower said Justices to allow her to be a Retailer, which is the chief Support she can propose to get a Livelihood by. Read and *Ordered*, That it be recommended to the Justices for the County of *Suffolk* at their next General Sessions of the Peace to take the Subject matter of this Petition under [7] Consideration, and that they be and hereby are impowered (if they see Cause) to grant a Licence to the Petitioner for a Retailer, the Time by Law for granting Licences for this present Year being elapsed notwithstanding.

Sent up for Concurrence.

A Petition of *John Thyng* of *Boston*, shewing that he hath purchased of the Widow *Eleanor Pullin* her Stock which she had in the Star Tavern, and leased the said House of Mr. *Francis Borland* of *Boston* Merchant, and Owner of the same, which House has been for many Years improved for an Inn or Tavern, and that the Petitioner obtained a Recommendation and Approbation of the Select-Men of *Boston* to keep a Tavern in said House, which he presented to the Justices for the County of *Suffolk* at their last Session for Allowance, but they were pleased to disallow the same, praying this Court would impower the said Justices to give him a Licence for a Tavern. Read and *Ordered*, That it be Recommended to the Justices for the County of *Suffolk* at their next General Sessions of the Peace to take the Subject-matter of this Petition under Consideration, and that they be and hereby are impowered (if they see Cause) to grant a Licence to the Petitioner to be a Taverner, the time by Law appointed to grant Licences for this present Year being elapsed notwithstanding.

Sent up for Concurrence.

A Petition of *Peter Frazier* of *Boston*, shewing that he has met with Considerable Losses at Sea, and Disappointments in Trade, which has rendred him not so capable of providing for himself and Family, and that he is well skill'd in keeping a House of Entertainment, and for that End had provided himself with a convenient House for a Tavern, and had obtained the Approbation of the Select Men of *Boston*, which he presented to the Justices of the County of *Suffolk*, at their last Session for Allowance, but they were pleased to disallow of the same, praying this Court would please to impower the Justices of said County to give him a Licence, for the Reasons therein mentioned. Read. And,

Ordered, That it be recommended to the Justices of the County of *Suffolk*, at their next General Sessions of the Peace, to take the Subject-matter of this Petition under Consideration, and that they be and hereby are impowered (if they see Cause) to grant a Licence to the Petitioner to be a Taverner, the time by Law appointed for granting Licences being elapsed notwithstanding.

Sent up for Concurrence.

A Petition of *Thomas Wallis* of *Boston*, shewing that he having in his younger Years served the Province in the French and Indian Wars, and now being advanced in Years, did (for the Reasons therein mentioned in the Petition) address

himself to the Select Men of *Boston*, who favoured him with their Approbation to be a Retailer, which he presented to the Justices of the County of *Suffolk*, at their last Session for Allowance, but they were pleased to disallow the same, praying this Court would please to empower said Justices to grant him a Licence for a Retailer. Read. And,

Ordered, That it be recommended to the Justices of the County of *Suffolk*, at their next General Sessions of the Peace to take the Subject matter of this Petition under Consideration, and that they be and hereby are empowered (if they see Cause) to grant a Licence to the Petitioner to be a Retailer, the time by Law appointed for granting Licences being elapsed notwithstanding.

Sent up for Concurrence.

A Petition of *John Goddard* of *Roxbury*, shewing that he has for some Years past been favoured with a Licence to be a Retailer, but being in the Country's Service, in the Year 1722, his Wife omitted getting his Licence renewed, and he having obtained the Approbation of the Select Men of *Roxbury* this Year for a Licence, which he presented to the Justices of the County of *Suffolk* at their last General Sessions for Allowance, they were then pleased to disallow the same, the Petitioner having a Family of Children and Sickly Wife to maintain, and his Licence being a great Support to him, praying the Justices [8] may be empowered at their next General Sessions for the County of *Suffolk*, to grant him a Licence. Read. And,

Ordered, That it be recommended to the Justices of the County of *Suffolk*, at their next General Sessions of the Peace, to take the Subject matter of this Petition under Consideration, and that they be and hereby are empowered (if they see Cause) to grant a Licence to the Petitioner, to be a Retailer, the time by Law appointed for granting Licences, for this present Year, being elapsed notwithstanding.

Sent up for Concurrence.

Samuel Partrigg Esq; brought down an Accompt Signed *Jonathan Dowse* and *Timothy Clark*, a Committee appointed by the Lieutenant Governour and Council in *February* last, to repair to the Light-House, and view and repair the Damages done there in the late Storm, Pass'd in Council, *viz.* In Council, *August 8th. 1723.* Read and Sent down.

Read and Committed to the Committee for Petitions.

Post Meridiem.

A Petition of *James Jenkins* of *Boston*, shewing that he has for some Years past been allowed to keep a Tavern in *Boston*, and that the last Year having duly paid his Excise, he obtained the Approbation of the Select-Men of said Town for renewing his Licence, which he presented to the Justices of the County of

Suffolk at their last General Sessions of the Peace for Allowance, but they were pleased to disallow the same, the Petitioner by Sickness having lost the Use of his Hands, and having his main Support by keeping a Tavern; praying the said Justices may be impowred to renew his Licence. Read, And

Ordered, That it be recommended to the Justices of the County of *Suffolk* at their next General Sessions of the Peace to take the Subject-matter of this Petition under Consideration, and that they be and hereby are allowed (if they see Cause) to grant a Licence to the Petitioner to be a Taverner, the Time by Law appointed for granting Licences for this present Year being elapsed notwithstanding. Sent up for Concurrence.

A Petition of *Ebenezer Newall* of *Roxbury*, shewing that he has for some Years past been favoured with a Licence to keep a Tavern, and that the last Year he duly paid his Excise, and the better to Entertain Travellers, &c. he had lately been at considerable Expence for Stabling, and furnishing himself with Bedding, &c. and had the Approbation of the Select-Men of said Town for renewing his Licence, which he presented to the Court of General Sessions of the Peace for the County of *Suffolk* at their last Session for Allowance, and said Court were pleased to disallow the same; praying this Court would empower the said Justices to grant him a Licence as aforesaid. Read and *Ordered*, That it be recommended to the Justices of the County of *Suffolk* at their next General Sessions of the Peace to take the Subject-matter of this Petition under consideration, and that they be and hereby are empowered (if they see Cause) to grant a Licence to the Petitioner to be a Taverner, the time by Law appointed for granting Licences for this present Year being elapsed notwithstanding.

Sent up for Concurrence.

A Petition of *Joseph Bean* of *Boston*, shewing that he lives in a House nigh the Landingplace at *Charlstown* Ferry, where Passengers & Travellers very often retire (in Wet & Stormy Weather especially for shelter,) and that he had obtained the Approbation of the Select Men of said Town for a Taverner, which he presented to the Court of General Sessions of the Peace for the County of *Suffolk* at their last Session for allowance, but they were pleased to disallow the same; praying this Court would please to empower said Justices to grant him a Licence for a Taverner. Read and *Ordered*, That it be recommended to the Justices of the County of *Suffolk* at their next General Sessions of the Peace to take the Subject-matter of this Petition under Consideration, and that they be and hereby are empowered (if they see cause) to grant a Licence to the Petitioner to be a Taverner, the time by Law appointed for granting Licences for this present Year being elapsed notwithstanding.

Sent up for Concurrence.

A Bill Entituled, *An Act for preventing Abuses in Distilling Rhum and other Strong Liquors with Leaden Heads or Pipes.* Read a Second time.

An Accompt Signed *William Hall* for Victualling Nineteen Men from *Bristol* to *Boston* in *August 1722*. Amounting to *l.2 17s*. Vouched by *Col. Mackintosh*.

Read and Committed to the Committee for Petitions. [9]

An Accompt signed *John Dorrell* for riding Express at sundry times, in the Service of this Government by order of the Lieut. Governour and Council, amounting to *l. 10 6d*.

Read and Committed to the Committee for Petitions.

A Memorial of *Samuel Dowse* praying this House would be pleased to re-consider a Vote passed on a former Memorial of his as entred the 25th of *June* last, for the Reasons therein mentioned. Read, and the Question was put, *Whether the House would re-consider their Vote, passed on the aforesaid Memorial?*

Resolved in the Affirmative.

And further,

Resolved, That the Sum of *Nineteen Pounds* be allowed and paid out of the publick Treasury to *Mr. Samuel Dowse* in full of his Service in delivering out Stores, &c. to the Forces, Eastward. Sent up for Concurrence.

A Petition of *Thomas Fayerweather*, shewing that the General Court did in the Year 1656, Grant to *Mr. Dean Winthrop* a Thousand Acres of Land, one half of which was laid out Anno 1658, and Return made of the same, that it lies on *Pawcatuc River*, and that *Mr. John Paine*, Grandfather of the Petitioner, exchanged 500 Acres of Land, with the said *Mr. Winthrop*, for the 500 Acres on *Pawcatuc River*, which is in the Township of *Westerly* in the Colony of *Rhode-Island*, and is claimed by the present Possessors thereof by virtue of an Indian Purchase 1662, Praying that as the said Grant was made by the General Court to *Mr. Winthrop*, and not yet laid out in any part of this Province, That it may now be laid out to the Petitioners and others the Grand-children and Heirs of the said *Mr. John Paine* deceased.

Read and Referred to the next Session for further Consideration.

Then the House Adjourned till to morrow Morning Nine a-Clock.

Sabbati Die 10 Augusti A, D. 1723.

S*pencer Phipps* Esq; brought down the Plan of the 300 Acres of Land, confirmed to the Assignees of *William Habberfield*, with the Vote of the House thereon, sent up yesterday, pass'd in Council, viz. In Council, *August 10. 1723*. Read and Concurred with the Amendment, (viz. and their Assigns.) Sent down for Concurrence. Read and Concurred.

In the House of Representatives. *August 10. 1723*.

This Government having oft-times expended several Thousands of Pounds to Equip, fit and keep in repair His Majesties Castle William, it being the principal

Fortress, and well stored with all Necessaries to resist an Enemy in Time of War, and defend the whole Province, which renders it of the last Importance to His Majesties Good Subjects here, that that Garrison be ever in a readiness and fit Posture to make a strong Resistance, and the better to Effect that matter, the House are willing that all due Encouragement be given to the Warrant-Officers and Soldiers retained in His Majesties Service there, as well those that have continued there since the passing the last Muster Roll for that Garrison, as such others as shall now Enlist. But inasmuch as the Management of Affairs there, occasioned by the frequent Absence and great Negligence of the present Lieut. Capt. John Grey, is such that it very much discourages not only the raising the pay of the Soldiers, but the Enlisting.

Wherefore

Voted, That His Honour the Lieutenant Governour be desired to dismiss the said *John Grey*, and Commissionate some suitable Person to sustain the Post of Lieutenant there in his Room; And upon his Removal and another Person Commissionated in his Room as aforesaid, *Resolved*, That the Sum of *Ten Shillings* per Month be added to the pay of the Soldiers to be Enlisted there, and the Warrant-Officers in proportion, for and during the space of *Four Years* next Ensuing: And for their further Encouragement, that the Sum of *Three Pounds* [10] and a Red Coat not exceeding the Value of *Four Pounds*, be allowed and paid out of the Publick Treasury to all Able and Effective Men, the Number to be according to the last Establishment of this Court, No Indian, Negro or Molatto to be Enlisted or retained there, except a Servant of the Captains, and no Man unless he be *Sui Juris*, shall be suffered to Enlist. Provided always, that upon making up and passing the Muster-Rolls, it be well Certified that the Officers and Soldiers did their Duty as by the Establishment of that Garrison made at a Session of this Court held at *Boston May 29th. 1700*, is required.

Sent up for Concurrence, by *Charles Chambers*, and *James Cawley Esqrs.*

Voted, That a good Fence with one Rail of about Four Feet high shall be built and finished on both sides of the Way over *Boston-Neck* at the Province Charge, and the County of *Suffolk* shall be and hereby is obliged to keep Up and Maintain said Fence Effectually for the future, And that *Elisha Cooke*, *William Dudley* and *William Payne Esqrs.* have the Care to see the said Fence well built.

Sent up for Concurrence.

A Message from the Boord by *Penn Townsend Esq*; that the Board is desirous of having the Informations and Complaints, given to the House against *Capt. Grey*, sent up.

Ordered, That *Elisha Cooke* and *William Dudley Esqrs.* go up to the Honourable Board and inform them, that several Members of this House are well satisfied of *Capt. Grey's* Absenting himself from his Duty, and if the Board are desirous of having more certain Information, the House are of Opinion they may be fully Satisfied of his Mis-managements from the Soldiers at the *Castle*.

A Bill Entituled, *An Act for preventing Abuses in Distilling Rhum and other Strong Liquors, with Leaden Heads or Pipes.* Read a Third time,

And pass'd to be Engross'd. Sent up for Concurrence.

A Petition of *Elizabeth Tozer* of *Boston*, shewing, that whereas her Husband *William Tozer* went to Sea about Three Years since, and not been heard of since, and she being left in low Circumstances with some Small Children to Support and bring up, and to enable her so to do, she Addressed the Select-Men of *Boston* to approbate her for a Retailer, which she obtained of them, and presented the same to the Justices of the County of *Suffolk* at their last Session, but they were pleased to disallow of her for a Retailer, praying this Court would please to empower the said Justices to grant her a Licence to be a Retailer. Read, And

Ordered, That it be recommended to the Justices of the County of *Suffolk* at their next General Sessions of the Peace to take the Subject-matter of this Petition under Consideration, and that they be and hereby are impowred (if they see Cause) to grant a Licence to the Petitioner to be a Retailer, the Time by Law appointed for granting Licences for this present Year being elapsed notwithstanding. Sent up for Concurrence.

A Petition of *Margaret Peck* of *Boston*, shewing, that whereas her Husband *John Peck*, sailed from the Island of *Madera* in *January* last for this Port, having on Board the greatest part of his and the Petitioners Substance with him, and not since been heard of, and having many young Children to maintain, and that she has left but a small matter to Support her self and Family, and to enable her to get an honest Livelihood, she obtained (upon Application) an Approbation of the Select Men of *Boston* for a Retailer, which she presented to the Justices of the County of *Suffolk* at their last General Sessions of the Peace, but they were pleased to disallow of the same, praying this Court would please to empower said Justices to grant her a Licence as aforesaid. Read, And

Ordered, That it be recommended to the Justices of the County of *Suffolk* at their next General Sessions of the Peace to take the Subject-matter of this Pe-[11]tition under Consideration, and that they be and hereby are impowred (if they see cause) to grant a Licence to the Petitioner to be a Retailer, the Time by Law appointed for granting Licences for the present Year being elapsed notwithstanding. Sent up for Concurrence.

An Accompt Sign'd *Bartholomew Green* for Paper and Printing Mr. *Colman's* Election Sermon. Read, And

Resolved, That the Sum of Nine Pounds One Shilling & Eleven Pence be allowed and paid out of the Publick Treasury to Mr. *Bartholomew Green*, in full discharge of this Accompt. Sent up for Concurrence.

A Petition of *George Bramhall* of *Hingham*, shewing, that Whereas there is no Inn or Tavern (excepting what is upon the Road at least two Miles distance from the Town) and the Select-Men of *Hingham* (upon Application to them

made) Approbated the Petitioner for a Taverner, which he presented to the Justices of the County of *Suffolk* at their last General Sessions of the Peace for Allowance, but they were pleased to disallow of the same; praying this Court would please to empower the said Justices to grant him a Licence for a Taverner.

Read, And, *Ordered*, That it be recommended to the Justices for the County of *Suffolk* at their next General Sessions of the Peace to take the Subject-matter of this Petition under Consideration, and that they be and hereby are impowred (if they see cause) to grant a Licence to the Petitioner to be a Taverner, the time by Law appointed for granting Licences for this present Year being elapsed notwithstanding. Sent up for Concurrence.

Col. *Dudley* from the Committee for Muster-Rolls, Reported, viz.

On the Muster-Roll of the Honourable *John Wheelwright* Esq; Captain, containing three Sheets, The Committee find it right Cast and well Vouched, But whereas the said *John Wheelwright* in his Wages charges the Province Debtor *Three Pounds* per Month for delivering out Stores, &c, *two* Months before the Law for establishing that *Three Pounds*, The Committee are of Opinion *that* is an Overcharge, and that therefore *Six Pounds* be deducted out of the Captains Pay: And whereas the said *John Wheelwright* Esq; was a Member of the General Court, and present in the Session from *November* the 15th to *January* 22d last, making *Sixty-eight* Days, for which he has been paid *Five Shillings* per Diem, out of the publick Treasury, The Committee are of Opinion that the Sum of *l. 17* be deducted out of the Captains Wages, which (with the abovesaid Sum of *l. 6*) is *10s.* more than what is due to the Captain on this Roll. The Committee are therefore of Opinion, that the whole Wages due to the Captain be struck out of this Roll. And whereas *Joseph Peck, Arthur Low, Benjamin Lake, John Williams, Isaac Shute, and Samuel Bun*, carried out in this Roll as Soldiers, and *l. 4 10s.* a piece due to them as Wages, and all the aforesaid Men being Deserters, and a Proclamation out from this Government for their Apprehension, The Committee are of Opinion that the said Sums amounting to *l. 32 8s.* with the said *l. 22 10s.* making in the whole the Sum of *l. 54. 18s.* said to be due on this Roll, and that the Remainder, viz. *l. 352 9s. 11d.* be paid out of the publick Treasury to the Officers and Soldiers born on this Roll, to whom the same is respectively due in full discharge thereof. Read and Accepted, And accordingly,

Resolved, That the Sum of *Three Hundred Fifty Two Pounds Nine Shillings and Eleven Pence*, be allowed and paid out of the publick Treasury to the Officers and Soldiers born on the within Roll, to whom the same is respectively due agreeable to the above Report, in full discharge of this Muster-Roll.

Sent up for Concurrence. [12]

On the Muster-Roll of Capt. *Robert Temple*, The Committee find it right Cast and well Vouched, by the Oath of the said *Temple*, but the said Capt. *Temple* charging the Province Debtor *Three Pounds* per Month for delivering out Stores,

&c. *five* Weeks before the Law for establishing that Sum on the Captains, The Committee therefore think, that the Sum of *l.3 15s.* be deducted out of his Wages, after which the Committee are of Opinion that the Sum of *l.411 18s. 6d.* the Neet Wages due on this Roll, be allowed and paid out of the publick Treasury to the Officers and Soldiers to whom the same is respectively due in full discharge hereof. Read and Accepted. And,

Resolved, That the Sum of *Four Hundred and Eleven Pounds Eighteen Shillings and Six Pence*, be allowed and paid out of the publick Treasury to the Officers and Soldiers born on the within Roll, in full discharge of the same, agreeable to the above Report. Sent up for Concurrence.

Then the House Adjourned till Monday next at three a Clock Afternoon.

B O S T O N: Printed by **Bartholomew Green** and **Samuel Kneeland**,
Printers to the Honourable House of Repretatives. 1 7 2 3. [13]

VOTES

Of the House of Representatives.

Lunæ Die 12 Augusti A, D. 1723.

A Petition of *Thomas Chubb* of *Boston*, shewing that he is in danger of losing his Eye-sight by reason of a long continued Weakness in his Eyes, which has rendred him uncapable of following his Employment at Sea as heretofore, and in order to get an honest Livelihood, he Petition'd to the Select-Men of *Boston* for their Approbation of him for a Taverner, which he obtained, and presented to the Justices of *Suffolk* at their last General Sessions of the Peace for Allowance, but they were pleased to disallow the same, Praying this Court would empower the said Justices to grant him a Licence as aforesaid.

Read, And,

Ordered, That it be recommended to the Justices of the County of *Suffolk* at their next General Sessions of the Peace to take the Subject-matter of this Petition under Consideration, and that they be and hereby are impowred (if they see Cause) to grant a Licence to the Petitioner to be a Taverner, The Time by Law appointed for granting Licences for this present Year being elapsed notwithstanding. Sent up for Concurrence.

A Bill Entitled, *An Act to Enable the Proprietors of the Town of Sutton to Support the Ministry among them.* Read a First Time.

An Accompt of Capt. *Elisha Plaisted*, amounting to *l.31 10s.* for his care and pains in delivering Provisions, &c. at sundry times, by Order of *Jeremiah Allen* Esq; from the 16th of *September* past, to the 1st of *August* Currant, at *l.3* per Month.

Read and Committed to the Committee for Muster-Rolls.

An Accompt Sign'd *William Tailer*, being the Commissioners Expences, &c. that went to *Albany* in *May* last, by Order of the Government.

Read and Committed to the Committee for Petitions.

A Petition of *Elizabeth Stratton* of *Boston* Widow, shewing that her late Husband was wounded in the Service of this Government by the Indian Enemy, and dyed of the same Wound, and she being left in no way of Business whereby to Support her self and Family, she apply'd her self to the Select-Men of the Town of *Boston*, who favoured her with their Approbation to Retail Strong Liquors, and that she presented the same to the Justices of *Suffolk* at their last General Sessions of the Peace for Allowance, but they were pleased to disallow the same. Praying this Court would please to order the said Justices to grant her a Licence as aforesaid. Read, And

Ordered, That it be recommended to the Justices of the County of *Suffolk* at

their next General Sessions of the Peace, to take the Subject-matter of this Petition under Consideration, and that they be and hereby are impowred (if they see cause) to grant a Licence to the Petitioner to be a Retailer, The Time by Law appointed for granting Licences for the present Year being elapsed notwithstanding. Sent up for Concurrence.

William Tailer and Spencer Phipps Esqrs. brought down the Report of the Justices of the County of *Bristol*, of their Proceedings respecting the Arrearages due from the Town of *Freetown* to the Reverend Mr. *Thomas Creaghead*, as entred the 8th Currant, pass'd in Council, viz. In Council *August 10th 1723*.

Read, And Ordered, That this Report be accepted.

Sent down for Concurrence. Read and Concurr'd. [14]

And The Memorial of the said Mr. *Creaghead* as entred the same day, pass'd in Council, viz. In Council, *August 10th 1723*. Read, And in Answer to this Memorial, Voted, That the Memorialist hath his Remedy in the Common Law against the Town of *Freetown*, which as appears by the Report of the Court of General Sessions of the Peace in the County of *Bristol* (unto whom it was referred by this Court) Amounts to the Sum of *One Hundred and Fifty Five Pounds, Ten Shillings & Seven Pence*. Sent down for Concurrence.

Read and Concurr'd. Also,

The Memorial of Messieurs *Nicholas Sever* and *William Welsteed*, as Entred the 7th Currant, with a Message, That a Memorial from the President in the Name and upon the desire of the Corporation of *Harvard-Colledge*, praying that a Hearing may be had, before any thing be further proceeded on the Resolve pass'd the House of Representatives, *November 22d. 1722*, relating to the Report of a Committee upon a Memorial of the Overseers of *Harvard-Colledge*, and now revived, was laid on the Board, as they were passing on Messieurs *Sever* and *Welsteed's* Memorial, which Memorial Sign'd by Mr. President accompany'd the Memorial of Messieurs *Sever* and *Welsteed*.

Edward Bromfield Esq; brought down the following Vote of Council, which was to have accompany'd Mr. *Creaghead's* Memorial, viz. In Council *August 12th 1723*. Forasmuch as the Reverend Mr. *Creaghead* has been kept out a considerable time of what is justly due to him from the Town of *Freetown*, to the great injury of his Family, who are in Needy Circumstances, and he having formerly Settled there, at the desire and by the Encouragement of the Government, Voted, That it be recommended to the House of Representatives to allow something out of the Publick Treasury for the said Mr. *Creaghead's* present Necessities. Read,

And the Question was put, *Whether any Allowance be made to the said Mr. Creaghead out of the Publick Treasury for his present Relief?*

It pass'd in the Negative.

A Petition of *Robert Orange* Mariner, shewing that by reason of Lameness and Infirmary of Body he is rendred incapable of following his Employment at Sea,

that to Support himself and a large Family, he obtained an Approbation from the Select-Men of *Boston* for a Retailer, which he presented to the Justices of *Suffolk* at their last General Sessions of the Peace for Allowance, but they were pleased to disallow the same, praying this Court would please to empower the said Justices to grant the Petitioner a Licence as aforesaid. Read, And

Ordered, That it be recommended to the Justices of the County of *Suffolk* at their next General Sessions of the Peace to take the Subject-matter of this Petition under Consideration, and that they be and hereby are impowred (if they see cause) to grant a Licence to the Petitioner to be a Retailer, the Time by Law appointed to grant Licences for this present Year being elapsed notwithstanding. Sent up for Concurrence.

A Message from the Board by Mr. Secretary, That the Board desires the Petition of *Francis Moore*, pass'd upon the last Session of this Court, may be sent up.

Ordered, That *John Quincy Esq*; carry up the said Petition.

A Petition of *John Dupee Jun.* of *Boston* Cooper, Setting forth, That upon the Burning Messieurs *Oliver* and *Welsteed's* Warehouse upon the Dock in *Boston*, in giving his Assistance to Extinguish the Fire he was blown up by Gun-powder, and much bruised by the Fall, so as to render him incapable to work at his Trade as heretofore for his Support; that he had obtained the Approbation of the Select Men of *Boston* for a Retailer, but the Justices of *Suffolk* at their last Session were pleased to disallow of the same, Praying this Court would please to empower said Justices to give him a Licence as aforesaid. Read, And

Ordered, That it be recommended to the Justices of the County of *Suffolk* at their next General Sessions of the Peace to take the Subject-matter of this Petition under Consideration, and that they be and hereby are impowred (if they see cause) to grant a Licence to the Petitioner to be a Retailer, the time by Law appointed for granting Licences for this present Year being elapsed notwithstanding. Sent up for Concurrence. [15]

A Petition of *Thomas Fleming*, setting forth, that upon his Petition to the Select Men of *Boston* he obtained their Approbation for a Retailer, which he presented to the Justices of the County of *Suffolk* at their last General Sessions of the Peace for Allowance, but they were pleased to disallow the same, Praying this Court would please to empower the said Justices to grant him a Licence as aforesaid. Read, And

Ordered, That it be recommended to the Justices of the County of *Suffolk* at their next General Sessions of the Peace, to take the Subject-matter of this Petition under Consideration, and that they be and hereby are impowred (if they see Cause) to grant a Licence to the Petitioner to be a Retailer, the Time by Law appointed for granting Licences for this present Year, being elapsed notwithstanding. Sent up for Concurrence.

Ordered, That the Treasurer be directed to lay an Accompt of the Excise received from the County of *York*, before the House.

Then the House Adjourned till to morrow Morning nine a Clock.

Martis Die 13 Augusti A. D. 1723.

V*Oted*, That an Express be dispatched to *Albany*, to desire the Honourable Col. *Peter*, or Col. *John Schuyler*, would please to make a Visit to this Government, in order to confer with them upon the present Juncture of Affairs touching the *Maquois*, and Eastern Indians.

Sent up for Concurrence.

The Memorial of the Overseers of *Harvard-Colledge* brought down last Night, Read. And the Question was put, *Whether the Prayer of the said Memorial should be Granted?* It pass'd in the Negative, *Nemine Contradicente.*

Samuel Partrigg Esq; brought down some Proposals of Pacification made by the Eastern Indians respecting the English, to the Governour of *Canada*, which he Transmitted by *Alexander Hamilton*. Which were Read.

A Message by Mr. Secretary from His Honour and the Honourable Board, That if the House have any particular Person that they desire should carry the Express to *Albany*, the House would inform them, And that the Eastern Indians Proposals for Pacification may be sent up.

Voted, That Mr. *Joseph Jennings*, a Member of this House be desired to go to *Albany*, to acquaint Col. *Peter*, or Col. *John Schuyler*, that it is the desire of this Government that One of them would make a Visit here.

Mr. *Alexander Hamilton*, a Captive taken by the Eastern Indians, and lately returned from *Canada*, was admitted into the House, and after being asked some Questions about the French and Indians, &c. he withdrew.

Ordered, That Col. *Dudley* go up to His Honour, and the Honourable Board, and acquaint them, that Mr. *Joseph Jennings*, a Member of this House will undertake the Journey to *Albany*, and Enquire whether the Board propose to write to Col. *Schuyler*.

A Message from His Honour the Lieutenant Governour, that His Honour desires to know, whether it be the mind of the House, That Col. *Schuyler* be desired to make a Visit here, whether the *Maquois* should come or not?

Samuel Partrigg Esq; brought down the following Vote of Council, viz. In Council, *August 13th. 1723.* *Ordered*, That *Addington Davenport* and *Thomas Fitch* Esqrs. with such as the Honourable House of Representatives shall Appoint, be a Committee to provide a suitable place for the Reception & Entertainment of the Delegates of the Five Nations. Sent down for Concurrence.

Read and Concurr'd. And, *Ordered*, That Mr. *Lewis* and Mr. *Tay* be added to the Committee for the Affair abovesaid. [16]

A Message by Mr. Secretary from the Board, That the Board desires the Bill for *Limiting Credit in Trade*, and the other Bill against *Receiving Stolen Goods*, Pass'd at the Board the last Session to be Engross'd, and referred by the House, may be sent up.

Voted, That Mr. Cotton carry up the said Bills, and desire the Board would please to send down the Bill about *Negroes, Molattoes, &c.* And the Bill for the *Better Observation of the Lord's Day*.

Thomas Fitch Esq; brought down the said Bills.

Nathaniel Norden Esq; brought down a Letter, dated *Newport on Rhode-Island, August 6th. 1723.* Signed by the Honourable Samuel Cranston and Joseph Jenks Esqrs; desiring the House would re-consider their Vote, pass'd the last Session on the Petition of Samuel Comestock and others, for the Reasons therein mention'd, Pass'd in Council, viz. In Council *August 13th. 1723.*

Read, and Sent down Recommended. Read.

Mr. Secretary brought down a draft of a Letter to be sent to Col. Peter, and Col. John Schuyler. Which was Read.

Upon reading the Honourable Samuel Cranston, &c. Esqrs. Letter, *Voted*, That Mr. Samuel Comestock and others his Associates, be heard by their Council in Law, on the second Wednesday of the next Session, before this House, to inforce their Reasons, why they should be allowed to have the several Farms confirmed to them, lying in the Township of *Mendon*, which they petitioned for the last Session of this Court, and that the Town of *Mendon* be served with a Copy of this Vote by their Representative, that so they may shew forth their Reasons (if any they have) why the said Farms should not be confirmed to the said Samuel Comstock and his Associates.

A Bill entitled, *An Act in further Addition to and Explanation of an Act entitled, An Act for the Settlement and Distribution of the Estates of Intestates, made in the Fourth Year of the late King William and Queen Mary.*

Read a second Time.

Post Meridiem.

An Accompt signed John Gerrish amounting to *l. 298 16s. 10d.* for cleansing and repairing the Province Armory from *March 25th 1716.* with a Certificate from Mr. Treasurer Allen.

Read and Committed to the Committee for Petitions.

Samuel Partrigg Esq; brought down a Petition of Francis Moore of Boston, Guardian to William Cooke a Minor, as entred the *24th of June*, and now revived. Passed in Council, viz. In Council *August 12th, 1723.*

Ordered, That the Prayer of this Petition be granted, the Petitioner to be Accountable to the Judge of Probate for the County of *Suffolk* for the Produce of

the Overplus of the Lands, (if any there be) and that the Petitioner have leave to bring in a Bill accordingly. Sent down for Concurrence.

Read and Non-Concurred. And

A Petition of *John Bushel* of *Boston*, shewing, that he has for some time been favoured with a Licence to be a Retailer of strong Liquors, and this Year having obtained the Approbation of the Select-Men for his continuance therein, which he presented to the Justices of *Suffolk*, at their last Session for Allowance, but they were pleased to disallow the same, praying this Court would please to grant him a Licence as an Innholder. Passed in Council, *viz.* In Council *August 13th 1723.* Read. And,

Ordered, That it be recommended to the Justices of the County of *Suffolk*, at their next General Sessions of the Peace to take the Subject-matter of this Petition under Consideration, and that they be and hereby are impowred (if they see Cause) to grant a Licence to the Petitioner for a Retailer, either within or without Doors, the Time for granting Licences for this present Year, being elapsed notwithstanding. Sent down for Concurrence.

Read and Concurred. [17]

An Accompt signed *Samuel Gookin*, for fetching *Samuel Chapin* and *Abel Chapin* from *Rhode-Island* to *Boston*, for Counterfeiting the *Five Pound* Bills of this Province, by Order of the Lieutenant Governour.

Read and Committed to the Committee for Petitions.

Then the House Adjourned till to morrow Morning Ten a Clock.

Mercurij Die 14 Augusti A. D. 1723.

T*homas Fitch* Esq; brought down a Bill entitled, *An Act for the Limitations of Actions brought for Debts due by Book, or on Accompts.* Read in Council three several times, and pass'd to be Engrossed.

Sent down for Concurrence.

A Petition of *John Hobbs*, and *Sarah Tomlin* of *Boston*, setting forth, that for several Years past they have been favoured each of them with a Licence to Retail strong Liquors, and this Year had the Approbation of the Select-Men of *Boston*, which they presented to the Honourable Justices for the County of *Suffolk*, at their last General Sessions of the Peace, for Allowance, and they were pleased to allow of the same, but by Misinformation the Petitioners Slipt the Time by Law appointed for giving their Recognizances, praying this Court would please to empower and authorize One or more of the Justices for *Suffolk* to take Recognizances of the Petitioners, that they may be severally allowed to retail strong Liquors, as heretofore. Read. And,

Ordered, That it shall and may be Lawful for One or more of the Justices for the County of *Suffolk*, with the Clerk of the Court of General Sessions of the

Peace to take Recognizances *severally* of the Petitioners that so they may be allowed to Retail as formerly, The Time by Law appointed for taking Recognizances on Licences granted for this present Year being elapsed notwithstanding.

Sent up for Concurrence.

Nathaniel Paine Esq; brought down a Bill, Entitled, *An Act in Amendment of and Addition to, An Act Entitled, An Act against receiving Stolen Goods*, Made and Passed in the Tenth Year of the Reign of King *William*.

Read in Council Three several Times, and pass'd to be Engross'd.

Sent down for Concurrence.

A Petition of several of the Inhabitants of the Town of *Haverhill*, Setting forth, That there is a great Number of Ill-minded Persons who from time to time in the Night with painted Faces, and under other Disguises, have pulled down and burnt several Thousands of Rails, and Board Fence, and some Hundreds of Rods of Stone Wall have been thrown down, which inclosed Corn-Fields, Meadows and Pastures, to the great Damage, as well as Terror of the Petitioners, inso-much as the Petitioners are really afraid that their Houses and Barns will be laid in Ashes, if the Fury and Rage of those Wicked Men be not timely suppress'd, Praying this Court would take the Premises into their serious Consideration, and relieve the Petitioners, as in their Wisdom shall seem meet. Read.

A Bill Entitled, *An Act in Addition to, and for rendring more Effectual an Act made in the Tenth Year of the Reign of King William the Third, Entitled, An Act for preventing Trespasses*. Read a First Time. [18]

A Petition of *Thomas Thorla*, *George Thorla*, and *Mary Thorla*, all of *Newbury*, praying they may be allowed Liberty to have another Tryal at the next Superiour Court of Judicature in *May* next, for the Recovery of Thirty Acres of Land, part of a Farm in *Newbury* aforesaid, descended to them from their Grandfather *Thomas Thorla* late of *Newbury* deceased, which they formerly lost on a Writ of Review, brought against them by *John Noyes* and *John Robinson*, for the Reasons therein mentioned. Read,

And the Question was put, *Whether the Prayer of the Petition should be Granted?* It Pass'd in the Negative.

John Appleton Esq; brought down the Bill Entitled, *An Act to Enable William Payne Esq; late Clerk of the House of Representatives to have a New Tryal, &c.* Pass'd in Council, viz. Read Three several Times, and pass'd a Concurrence with the Amendments. Sent down for Concurrence.

Read, and the House agree with the First Amendment. The Second Amendment (B) the House Non-Concur. Sent up.

The Petition of several Inhabitants of *Haverhill*, Read again. And thereupon Ordered, That *John Stoddard*, *Jonathan Remington*, *William Dudley*, Esqrs. Mr. *Ebenezer Stone*, and *John Quincy* Esq; be a Committee to take into Consideration the grievous Complaints set forth in said Petition, and Report what they think

proper for this Court to act on said Complaint, and others of the like Nature that have been laid before this House.

Col. *Stoddard* from the Committee appointed to consider of the Petition of *John & Zechariah Hubbard*, Executors of the last Will and Testament of Capt. *Zechariah Tuthill* deceased, Reported as follows, viz.

Upon the within Petition of *John* and *Zechariah Hubbard*, Executors of the last Will and Testament of Capt. *Zechariah Tuthill* deceased, The Committee have considered the Subject-matter of the Petition, and upon an exact Cast of Capt. *Tuthill's* Accompt of prices, find that from the Year 1706, to 1713, he is really in Advance (for the Benefit of the Government) the Sum of *l.217 14s. 10d.* are therefore of Opinion, that the Sum of *l.217 14s. 10d.* be allowed and paid out of the Publick Treasury to Messieurs *John* and *Zechariah Hubbard* Executors of the last Will and Testament of Capt. *Zechariah Tuthill* deceased, in full discharge of all Demands for said *Tuthills* Subsisting the Soldiers at Castle *William*.

John Stoddard, by Order of the Committee.

Read, And the Question was put, *Whether the Report of the Committee be Accepted?* It pass'd in the Negative. And

Resolved, That the Sum of *One Hundred Pounds*, be allowed and paid out of the Publick Treasury to Messieurs *John & Zechariah Hubbard*, Executors of the last Will and Testament of Capt. *Zechariah Tuthill* deceased, in full discharge of all Demands for said *Tuthills* Subsisting the Soldiers at His Majesty's Garrison at Castle *William*. Sent up for Concurrence.

Post Meridiem.

Mr. *Cooke* from the Committee of Petitions, Reported, viz. On the Accompt of *William Hall*, The Committee are of Opinion, that the Sum of *l.2 17s.* be allowed and paid out of the Publick Treasury to *William Hall* for Billetting as within. Read and Accepted, And [19]

Resolved, That the Sum of *Two Pounds & Seventeen Shillings* be allowed and paid out of the Publick Treasury to the Accomptant *William Hall* in full Discharge of the within Accompt. Sent up for Concurrence.

On the Accompt of *John Dorrell* for Expresses, &c. The Committee having Examined the within Accompt, find it right Cast and well Vouch'd, That therefore the Sum of *l.10 6d.* be allowed and paid out of the publick Treasury to the Accomptant *John Dorrell*, in full Discharge of the within Accompt.

Read and Accepted, And

Resolved, That the Sum of *Ten Pounds & Six Pence* be allowed and paid out of the publick Treasury to *John Dorrell* the Accomptant, in full discharge of the within Accompt. Sent up for Concurrence.

On the Petition of *John Goddard*, The Committee having inquired into the

Truth of the Petitioner concerning his attending the Service, find by good and sufficient Testimonies, that he was at his Post as set forth in the Petition, are therefore humbly of Opinion that the Estople be taken off, and that the Sum of *l. 13* be allowed and paid out of the publick Treasury to the said *John Goddard*, in full for his Wages due to him on that Muster-Roll.

Read and Accepted. And,

Resolved, That the Sum of *Thirteen Pounds* be allowed and paid out of the publick Treasury to the Petitioner *John Goddard*, in answer to his Petition.

Sent up for Concurrence.

Ordered, That Capt. *Throop* go up to the Honourable Board, and desire that (if they have not yet passed upon the Petition of Serjeant *Daniel Tucker*, sent up the last Session) they would please to send it down. Who returned that it was under Consideration.

Isaac Winslow Esq; brought down a Memorial signed *Thomas Creaghead*, praying, that Mr. *John Barney* Under Sheriff of the County of *Bristol*, may be appointed to collect the three Year and an half Salary due to him from the delinquent Inhabitants of the Town of *Freetown*. Passed in Council, *viz.* In Council *August 14th 1723*. Read. And, *Ordered*, That the Prayer of the Petition be granted; and that the Petitioner have leave to bring in a Bill accordingly, the Attorney General to assist in drawing said Bill.

Sent down for Concurrence. Read and Concurred.

A Petition of Mr. *William White*, Representative of the Town of *Dartmouth*, praying that *John Akins* and *Phillip Tabor* now Prisoners in His Majesty's Goal in the County of *Bristol*, may be released, for the Reasons therein mentioned.

Read and sent up.

A Petition of *Joshua Underwood* of *Sherbourne*, praying that he may be allowed to receive out of the publick Treasury the Sum of *l. 11 11s. 6d.* so much this House Voted should be paid him, and deducted out of Major *Moodey's* Wages, for his going Express Eastward by Order, but was Non-Concurred by the Board.

Read. And,

Resolved, That the Sum of *Eleven Pounds Eleven Shillings and Six Pence* be allowed and paid to the Petitioner *Joshua Underwood* out of the publick Treasury in full for his going in the Service of this Government Eastward, and in answer to his Petition. Sent up for Concurrence.

A Petition of *Samuel Gookin Junior*, keeper of His Majesty's Goal in *Cambridge*, praying some further Allowance may be made to him, than what he has already received for keeping the Indian Hostages, for the Reasons therein mentioned.

Read and Committed to the Committee for Petitions. [20]

A Petition of Mr. *Joseph Southworth* Representative of the Town of *Little-Compton*, shewing, that he was possessed of *three Forty Shilling Bills*, and *one Three Shilling & Six Penny Bill* of Credit on this Province, which, in the Year

1711, accidentally fell into the Fire and were burned to Ashes, praying he may be allowed to receive that Value, viz. *Six Pounds Three Shillings and Six Pence* out of the publick Treasury.

Read and Committed to the Committee for Petitions.

An Accompt signed *Benjamin Woodbridge* Vouched by Col. *Thomas Noyes* amounting to 32s. 6d. for Billeting Soldiers in the Month of *August* last.

Read. And,

Resolved, That the Sum of *Thirty-two Shillings and Six Pence* be allowed and paid out of the publick Treasury to *Benjamin Woodbridge* the Accomptant in full discharge of the within Accompt. Sent up for Concurrence.

Col. *Dudley* from the Committee for Muster-Rolls, reported, On the Muster-Roll of Col. *Eleazer Tyng*, The Committee find it right Cast and well Vouched by the Oath of said *Tyng*, who affirmed the Men inlisted were in actual Service the whole Time they stand entred, the Committee are therefore of Opinion that the Sum of *l. 23 8s.* being the Neet Wages due on this Roll, be allowed and paid to the Officers and Soldiers to whom the same is respectively due in full discharge thereof, and that the Sum of *l. 11* for Subsisting the Officers and Soldiers herein contained, (excepting and deducting what the Treasurer has supplied them with) be allowed and paid out of the publick Treasury also to the said *Eleazer Tyng* to be by him repaid to the Person or Persons that have Subsisted or Billeted the Men born on this Roll in full discharge thereof. Read and Accepted.

And,

Resolved, That the Sum of *Twenty Three Pounds Eight Shillings* be allowed and paid out of the publick Treasury to the Officers and Soldiers born on the within Roll to whom the same is respectively due, in full discharge of the Wages due on this Roll, and that the further Sum of *Eleven Pounds* be allowed and paid out of the publick Treasury to Col. *Eleazer Tyng* to be by him repaid to the Person or Persons that have Subsisted or Billeted any Men born on the within Roll, in full discharge of the Subsistance thereof. Sent up for Concurrence.

A Debate being had, *Whether the House should desire His Honour the Lieutenant Governour to make a short Adjournment or Prorogation of the Court, and the Question put?* It passed in the Negative.

Then the House Adjourned till to Morrow Morning Ten a-Clock.

VOTES

Of the House of Representatives.

E R R A T U M, Page 15. line the 5th in *Martis*, for *Overseers*, read *Corporation*.

Jobis Die 15 Augusti A, D. 1723.

Jonathan Belcher Esq; brought down the Petition of *John Goddard*, with the Vote of the House thereon, Pass'd in Council, viz. In Council *August 15th. 1723.* Read and Concurr'd with the Amendment.

Sent down for Concurrence. Read and Concurr'd.

A Bill Entitled, *An Act to Enable the Proprietors of the Town of Sutton to Support the Ministry among them.* Read a Second Time.

A Petition of *Joshua Underwood*, praying that a Grant of Twenty Acres of Meadow, made by the General Court, held at *Boston*, 27th. of *May 1663.* to Mr. *Richard Parker*, and agreeable thereto a Plan thereof taken 31st. *May 1716.* and Exhibited with the Petition, may be confirmed to him for the Reasons therein mentioned. Read, And the Question was put, *Whether the Grant of the Twenty Acres of Land shall be confirmed to the Petitioner as he is Assign of the said Mr. Richard Parker, agreeable to the said Plan?*

It pass'd in the Negative.

Jonathan Belcher Esq; brought down a Letter dated *Northampton, August 14th. 7 a Clock, A.M.* from Mr. *Dwight* and others, giving an Account that the Indians had killed One Man at *Northfield*, and that another was missing. Read, And Sent up by Col. *Dudley*, with a Message to His Honour the Lieutenant Governor, That His Honour would please to give his Orders to the Commanding Officers of the Forces Eastward, that they immediately repair to their Posts and Duty, and that the Inhabitants in those parts may be informed of their Danger from the Enemy.

Thomas Fitch Esq; brought down a Letter from the Honourable *Samuel Cranston* Esq; dated *Newport Rhode-Island August 12. 1723*, respecting the Proclamation's lately issued out about the Counterfeiting Bills of Credit. Read.

A Memorial of *John Gooch*, shewing that he was Substituted by Mr. Treasurer *Allen* to deliver Stores, Slops, &c. to the Forces Eastward, and that he delivered to several Soldiers Slops to a considerable Value of his own, (before the Treasurer had sent down any Stores of the Province's and) which the Soldiers were in great need of, and that he also did deliver the Province Stores to any of the Soldiers that had need of them, that many of them after having taken up of his and the Province Stores did desert the Service, Praying that the Resolve pass'd this

Court at their Session in *November* last, that the Goods supply'd the Soldiers returned Deserters shall be made good by the Province Treasurer, 'till he or his Substitutes can make it appear, that said Goods were actually delivered out of the Province Stores, may now be superseded, and that the Estople may be taken off, that so he may be allowed to pass his Accompts with the Treasurer, and have Credit for what he supply'd the Soldiers out of his own Stores, it being for the Service of the Soldiery, and by Order of Mr. Treasurer.

Read and Committed to the Committee for Petitions.

Post Meridiem.

Mr. Secretary brought down a Letter from Col. *Westbrook*, dated *Arundel*, *August 12th. 1723.* which His Honour Communicated to the House, giving an Account, that the Indians had killed an Ox and a Calf at *Blew Point* the 4th. Instant. [22]

A Bill Entitled, *An Act to Enable Caleb Spurrier of London Merchant, late Resident in Portsmouth in His Majesty's Province of New-Hampshire to re-enter an Action or Case of Appeal between him and John Butler of George-Town in the County of York, Innholder, at the next Superiour Court of Judicature to be holden for the County of York.* Read a First Time.

A Bill Entitled, *An Act for the Regulating the Exportation of Candles.*

Read a First Time.

A Bill Entitled, *An Act in Addition to the Act Entitled, An Act for the better Observation and Keeping the Lord's Day, Made and passed in the Fourth Year of the Reign of King William and Queen Mary.* Read a First Time.

A Bill Entitled, *An Act for the better Regulating Indians, Negroes, Molattoes, &c.* Read a First Time.

A Bill Entitled, *An Act for the Limitation of Actions brought for Debts due by Books, or on Accompts.* Read in Council Three several Times, and pass'd to be Engross'd. Sent down for Concurrence. Read a First Time.

A Bill Entitled, *An Act in Amendment of, and Addition to an Act, Entitled, An Act against receiving Stolen Goods, Made and pass'd in the Tenth Year of the Reign of King William.* Read in Council Three several Times, and pass'd to be Engross'd. Sent down for Concurrence. Read a First Time.

Col. *Dudley* from the Committee for Muster-Rolls, Reported, on the Muster-Roll of Capt. *Daniel Gookin*, The Committee find it right Cast, and according to Establishment, and well Vouch'd by the Oath of Lieut. *Peter Oliver*, who affirmed that all the Men inserted in the within Roll were in actual Service for the whole time they stand Entred, The Committee are therefore of Opinion, that the Sum of *l.413 6s. 7d.* be allowed and paid out of the publick Treasury to the said Capt. *Daniel Gookin*, and the other Officers and Soldiers contained in this

Muster-Roll, in full discharge thereof, the Sum of 45*s.* to be deducted from the said Captains pay of 1*l.* 3 per Month for delivering out Stores, &c. he having Charged three Weeks before he received the Company, and the Publication of the Law for that Establishment. Read and Accepted. And

Resolved, That the Sum of *Four Hundred & Thirteen Pounds Six Shillings and Seven Pence* be allowed and paid out of the publick Treasury to Capt. *Daniel Gookin* and the other Officers and Soldiers born on the within Roll, in full discharge thereof, agreeable to the above Report. Sent up for Concurrence.

*Whereas in the Muster-Roll of the Men posted under the Command of Serjeant William White of Haverhill, there is no Subsistence Charged, and consequently none paid, which Roll contains 49 Weeks in the whole, after the rate of 5*s.* per Week, makes the Sum of Twelve Pounds Five Shillings.* *Wherefore,*

Resolved, That the Sum of *Twelve Pounds Five Shillings* be allowed and paid out of the publick Treasury unto the said Serj. *William White* (deducting what the Treasurer of the Province has supply'd the Men with) to be paid by him to the Person or Persons that have subsisted the Men contained in that Roll, Dated in *August 1722*, in full discharge of the billeting due therefor.

Sent up for Concurrence.

Mr. *George Giddinge* of *Gloucester* was admitted into the House, and inform'd that a Sloop arrived there yesterday in about six days from *Canso*, who brings an Account that Capt. *John Watkins* of *New England* was found dead (and as it was supposed) slain by the Indians, and buried by the Officers of the Garrison at *Canso* with four other Men and one Woman: And that the said *Giddinge's* Son was taken by a Pirate Ship of upwards of 20 Guns, and a large Number of Men, who would have taken him for a Pilate along that shoar, but he not being willing, the Pirate told him, that he would not force any Man to go with him, and so they left the Pirate Ship.

Voted, That His Honour be desired to order a sufficient Scout on the Western Frontiers. Sent up for Concurrence. [23]

A Petition of *John Dorrel*, Under-Sheriff of the County of *Suffolk*, praying that he may have some Allowance for Attending the Order and Service of this Government in Reading and Publishing all the Acts, Proclamations, &c. which have been made and passed for Two Years last. Read and Committed to the Committee for Petitions.

An Accompt of *Benjamin Stebbins* for coming Express from *Northampton*.

Read and *Resolved*, That the Sum of *Three Pounds* be allowed and paid out of the publick Treasury to Mr. *Benjamin Stebbins* for himself and Horse, for coming Express from *West-Hampshire*, and returning home.

Sent up for Concurrence.

A Petition sign'd *Stephen Minot*, Attorney for *George Allen*, praying that an Estople of *l. 16 14*s.* 7*d.** laid on his Wages and taken out of Capt. *Heath's* Muster-

Roll, passed in the Month of *January* last, may be now taken off, for the Reasons therein mentioned.

Read and Committed to the Committee for Muster-Rolls.

Ordered, That Mr. *Prescott*, Mr. *Morrell* and Capt. *Frye*, be a Committee to prepare a proper Vote for proportioning the Number of Men as a Scout at the several Western Frontier Towns.

Then the House Adjourned till to morrow Morning Ten a Clock.

Veneris Die 16 Augusti A. D. 1723.

V*oted*, That a Message be sent up to His Honour the Lieutenant Governour; to desire His Honour would communicate what News the Express brought last Night, about the Damages at *Rutland*.

Mr. Secretary brought down a Letter, which His Honour communicated, from Capt. *Samuel Wright*, dated *Rutland, August 14th. 1723.* giving an Account of the Indians surprizing Mr. *Joseph Stevens* and four of his Sons, as they were making Hay in his Field, that his Sons were taken Captives, and he narrowly escaped, that their Minister the Reverend Mr. *Willard* was missing and they fear he is also killed or taken. Praying for Relief.

A Bill entitled, *An Act to enable the Proprietors of the Town of Sutton to support the Ministry among them.* Read a third Time and passed to be Engrossed.

Sent up for Concurrence.

This House having taken into Consideration the distressed State and Circumstances of the several Western Frontier Towns, belonging to this Province, in respect of the War, judge it necessary that something be speedily done for their Security and Relief. Therefore,

Voted, That His Honour the Lieutenant Governour be desired immediately to order a Detachment of Four able and effective Men of the Inhabitants of the Town of *Dracut*, Six of *Haverhill*, Five of *Dunstable*, Six of *Groton*, Six of *Lancaster*, Three of *Shrewsbury*, Four of *Leicester*, Five of *Rutland*, Six of *Brookfield*, Four of *Sunderland*, and Six of *Deerfield*, to be constantly employed in Scouting and Ranging the Woods in and about the several respective Towns to which they respectively belong. Sent up for Concurrence.

A Petition of *Joseph Maynard* of *Marlborough*, praying that the usual Allowance may be made him for his Service in coming Express to give Account of the Damages done by the Indians at *Rutland*. Read. And,

Resolved, That the Sum of *Fifteen Shillings* be allowed and paid out of the publick Treasury to the Petitioner *Joseph Maynard* in full for his Service as above-mentioned. Sent up for Concurrence.

Ordered, That Mr. *Sayward*, Mr. *Daniel Pierce*, and Mr. *Tucker* be Monitors of this House, till the former Monitors return to their Duty. [24]

Mr. *Cooke* from the Committee for Petitions, Reported, *viz.*

On the Petition of Mr. *Joseph Southworth*, *viz.* *Joseph Southworth* appeared before the Committee, and made Oath to the Truth of the Bills being burned, they are therefore humbly of Opinion, that the Sum of *l. 6 3s. 6d.* be allowed and paid out of the publick Treasury to the Petitioner *Joseph Southworth*, in Consideration of his Loss by those Bills. Read and Accepted. And,

Resolved, That the Sum of *Six Pounds Three Shillings and Six Pence*, be allowed and paid out of the publick Treasury to the Petitioner *Joseph Southworth*, in full Satisfaction of his Loss mentioned in the Petition.

Sent up for Concurrence.

On the Petition of Mr. *Samuel Gookin* Junior, as entred the 14th Currant, The Committee having examined the Accompt, mentioned in the Petition, and considered the Allowance made at the Session of this Court in *November* last, are humbly of Opinion, That the Petitioner had full Satisfaction for his Charge and Cost, expended by him on the Indian Hostages, that therefore this Petition be dismissed. Read and Accepted. And,

Voted, That this Petition be dismissed.

On the Accompt of Disbursements of Mr. *Samuel Gookin*, The Committee are of Opinion, that the Sum of *l. 11 8s.* be allowed and paid out of the publick Treasury to the Accomptant *Samuel Gookin*, in full of this Accompt.

Read and Accepted. And,

Resolved, That the Sum of *Eleven Pounds and Eight Shillings* be allowed and paid out of the publick Treasury to the Accomptant *Samuel Gookin* in full discharge of the above Accompt.

Sent up for Concurrence.

An Accompt of *Zechariah Symmes* for sundry Expences for going Express to *Rhode-Island* the 9th Currant.

Read and Committed to the Committee for Petitions.

Nathaniel Norden Esq; brought down the Petition of Dr. *Bartholomew Jackson* of *Marblehead*, sent up the 9th Currant (with the answer of *Nicholas Andrews* and *Mary* his Wife, setting forth their Reasons, why the Prayer of the Petition should not be granted, which was Read.) Passed in Council, *viz.* In Council, *August 15th, 1723.* This Petition being read again, together with the Answer of *Nicholas Andrews* and *Mary* his Wife, and thereupon, *Ordered*, That the Prayer of the Petition be granted, (the Petitioner paying the Costs of Court hitherto incurred) and that a Bill be brought in accordingly.

Sent down for Concurrence. Read and Concurred.

Mr. *Lewis* from the Committee appointed to Audit the several Accompts of the Trustees and Commissioners of the *l. 50,000* and *l. 100,000* Loans, made the following Reports, *viz.* The Committee appointed the 20th of *June* last to take under Consideration the several Accompts of the Trustees and Commissioners of

the *l.* 50,000 and *l.* 100,000 Loans, which have been presented for Allowance, report as follows, *viz.*

On the Accompt of the Trustees of the *l.* 50,000 Loan, beginning 25th of *May* 1720, ending the 10th of *May* 1721. amounting in the Whole to the Sum of *Seven Thousand Eight Hundred and One Pounds Fifteen Shillings and Two Pence* (whereof *Six Thousand Four Hundred and Four Pounds Four Shillings and Nine Pence*, is in Part of Principal, and *Thirteen Hundred Ninety Seven Pounds Ten Shillings & Five Pence* Interest,) By which Accompt it appears that the said Trustees have expended the Sum of *One Hundred and Forty Pounds Twelve Shillings and Ten Pence* in Law Suits, and *Eighty Two Pounds and Four Pence*, paid themselves, their due by Law for their Service, the remaining Sum of *Seven Thousand Five Hundred Seventy Nine Pounds and Two Shillings* was paid into the publick Treasury, The Committee are therefore of Opinion, that the said Trustees be discharged of the aforesaid Sum of *Seven Thousand Eight Hundred and One Pounds Fifteen Shillings and Two Pence*. Read and Accepted. And,

Resolved, That the said Accompt in the several Articles thereof, be and hereby is accepted, and the said Trustees the Accomptants are discharged of the aforesaid Sum of *Seven Thousand Eight Hundred and One Pounds Fifteen Shillings and Two Pence* accordingly. Sent up for Concurrence. [25]

On the Accompt of the Trustees of the *l.* 50,000 Loan, beginning the 17th. of *May* 1721, and ending *June* 20th. 1722, Amounting in the whole to *One Thousand Five Hundred and Thirteen Pounds Five Shillings & Eight Pence*, (whereof *One Thousand and Fourteen Pounds Ten Shillings*, is in part of Principal, and *Four Hundred Ninety Eight Pounds Fifteen Shillings & Eight Pence* Interest,) By which Accompt it appears, that the said Trustees have expended the Sum of *Nineteen Pounds Eight Shillings & Three Pence* in Law Suits, and *Fifteen Pounds Eight Shillings & Nine Pence* paid themselves, their due by Law for their Service, the remaining Sum of *One Thousand Four Hundred Seventy Eight Pounds Eight Shillings & Eight Pence* was paid into the Publick Treasury, The Committee are therefore of Opinion that the said Trustees be discharged of the aforesaid Sum of *One Thousand Five Hundred and Thirteen Pounds Five Shillings & Eight Pence*.

Read and Accepted, And

Resolved, That the said Accompt in the several Articles thereof be and hereby is Accepted, and the said Trustees the Accomptants are discharged of the aforesaid Sum of *One Thousand Five Hundred and Thirteen Pounds Five Shillings and Eight Pence* accordingly. Sent up for Concurrence.

On the Accompt of the Trustees of the *l.* 50,000 Loan, beginning the 26th. of *June* 1722, and ending the 17th of *May*, 1723. Amounting in the whole to *One Thousand Five Hundred and Ten Pounds Ten Shillings and Eleven Pence*, (whereof *One Thousand One Hundred Seventy One Pounds Twelve Shillings & Two Pence* is in part of Principal, and *Three Hundred Thirty Eight Pounds Eighteen Shillings &*

Nine Pence Interest,) By which Accompt it appears, that the said Trustees have expended *Thirteen Pounds Three Shillings* in Law-Suits, and *Twenty Three Pounds Two Shillings* paid themselves, their due by Law for their Service, &c. the remaining Sum of *One Thousand Four Hundred Seventy Four Pounds Five Shillings & Eleven Pence*, was paid into the Publick Treasury, The Committee are therefore of Opinion, that the said Trustees be discharged of the aforesaid Sum of *One Thousand Five Hundred and Ten Pounds Ten Shillings and Eleven Pence*.

By Order of the Committee, *Ezekiel Lewis*. Read and Accepted,
And

Resolved, That the said Accompt in the several Articles thereof, be and hereby is Accepted, and the said Trustees the Accomptants are discharged of the above-said Sum of *One Thousand Five Hundred and Ten Pounds Ten Shillings and Eleven Pence* accordingly. Sent up for Concurrence.

Post Meridiem.

Mr. Secretary brought down the Vote about the Scouts to be ranging on the Western Frontiers, Passed in Council, viz. In Council *August 16th. 1723*. Read and Concurr'd with an Amendment. Sent down for Concurrence.

Read and Non-Concurr'd. And the House Adhere to their own Vote. Sent up by Col. *Stoddard*, Mr. *Prescot* and Capt. *Hill*.

Voted, That His Honour be desired to Order a Detachment of *Ten* Men under the Care of a Serjeant, to be sent to the Town of *Rutland* for their present Relief. Sent up for Concurrence.

A Bill Entitled, *An Act for rendring more Effectual an Act made in the Tenth Year of the Reign of King William the Third*, Entitled, *An Act for preventing of Trespasses*. Read a Second Time.

Edmund Quincy Esq; brought down the Vote about the Western Scout, with a further Enumeration of the Towns out of which the Scouts are to be raised.

Voted, That several distinct Scouts consisting in the whole of *Sixty* Men, be appointed to Guard the several Towns following in the Western Frontiers, viz. *Haverhill, Dracut, Dunstable, Groton, Lancaster, Rutland, Shrewsbury, Liecester, Worcester, Brookfield, Sunderland, Northfield* and *Deerfield*, and that His Honour the Lieutenant Governour be desired to give his Orders accordingly.

Sent up for Concurrence. [26]

A Bill Entitled, *An Act for the Regulating the Exportation of Candles*.
Read a Second Time.

A Bill Entitled, *An Act in Amendment of, and Addition to an Act, Entitled, An Act against receiving Stolen Goods, Made and pass'd in the Tenth Year of the Reign of King William*. Read a Second Time.

A Bill Entitled, *An Act to Enable Caleb Spurrier of London Merchant, late*

Resident in Portsmouth in His Majesty's Province of New-Hampshire to re-enter an Action or Case of Appeal between him and John Butler of George-Town in the County of York, Innholder, at the next Superiour Court of Judicature to be holden for the County of York. Read a Second Time.

A Petition of *Thomas Wier*, a Soldier in the Service of this Government under the Command of Col. *John Wheelwright*, setting forth that he has laboured under a great Fit of Sickness at *Wells*, and there being no Physician of the Countries there, he was obliged to get the Assistance of Dr. *John Perkins*, who attended and administered Medicines to him in his sickness, for which, and for Charge of Nurse, &c. he has been at the Expence of *Four Pounds Ten Shillings*, praying this Court would please to allow him the like Sum out of the publick Treasury.

Read. And,

Resolved, That the Sum of *Four Pounds Ten Shillings*, be allowed and paid out of the publick Treasury to the Petitioner *Thomas Wier*, in full of his Charge for Doctors and Nursing in his Sickness. Sent up for Concurrence.

Mr. *Cooke* from the Committee for Petitions, reported, On the Accompt of *Zechariah Symmes* for going Express to *Rhode-Island*, the 9th of this Instant *August*, The Committee are of Opinion, that the Sum of *l.3 10s.* be allowed and paid out of the publick Treasury to the Accomptant *Zechariah Symmes*, for his service as within, the same not being overcharged. Read and Accepted.

And,

Resolved, That the Sum of *Three Pounds Ten Shillings*, be allowed and paid out of the publick Treasury to the Accomptant *Zechariah Symmes* to discharge said Accompt. Sent up for Concurrence.

Then the House Adjourned till to morrow Morning Ten a Clock.

Sabbati Die 17 Augusti A. D. 1723.

HIS Honour the Lieut. Governour Communicated a Letter from Captain *Ebenezer Pomroy*, dated *Springfield, August 15th, 1723.* giving an Account of the Delegates being now on their Journey to *Boston.* Read and Sent up.

An Accompt of *John Huggins* for coming Express from *Springfield.* Read.

And,

Resolved, That the Sum of *Three Pounds*, be allowed and paid out of the publick Treasury to *John Huggins* in full for his coming Express as within mentioned.

Sent up for Concurrence.

A Bill Entitled, *An Act to Enable Bartholomew Jackson of Marblehead in the County of Essex, Physician, to file Reasons, and prosecute his Appeal at the next Superiour Court of Judicature to be holden at Salem, for the County of Essex, on the last Tuesday of October next, from a Judgment of an Inferiour Court of Common Pleas holden at Salem, in the County of Essex, on the last Tuesday of December,*

obtained against him, by Nicholas Andrews and Mary his Wife, as they were Administrators de bonis non to the Estate of Samuel Read of Marblehead deceased.

Read a first Time. [27]

A Bill entitled, *An Act to enable Caleb Spurrier of London Merchant, late resident at Portsmouth in His Majesty's Province of New-Hampshire, to re-enter an Action or Case of Appeal, between him and John Butler of George-Town in the County of York Innholder, at the next Superiour Court of Judicature, to be holden for the County of York.* Read a third Time and passed to be Engrossed.

Sent up for Concurrence.

Mr. Cooke from the Committee for Petitions, reported, *viz.*

On the Petition of *John Dorrell* as entred the 15th Currant, the Service of the Petitioner being since certified by Mr. Secretary, The Committee are of Opinion that the Sum of *l. 3 10s.* be allowed and paid out of the publick Treasury to the Petitioner *John Dorrell* for his Service within mentioned, he satisfying the Drummer for his Trouble. Read and Accepted. And,

Resolved, That the Sum of *Three Pounds Ten Shillings* be allowed and paid out of the publick Treasury to the Petitioner *John Dorrell* in full of his Petition, he satisfying the Drummer for his Trouble. Sent up for Concurrence.

On the Accompt of *Zechariah Symmes* for going Express to *Hatfield* from *Boston*, in *July* last, by Order of His Honour the Lieutenant Governour, The Committee have examined the within Accompt, and are of Opinion, the several Articles of Charge are *excessive*, and that the Sum of *l. 3 16s.* be allowed and paid out of the publick Treasury to the Accomptant *Zechariah Symmes* in full discharge of this Accompt. Read and Accepted. And,

Resolved, That the Sum of *Three Pounds Sixteen Shillings* be allowed and paid out of the publick Treasury to *Zechariah Symmes*, in full discharge of the within Accompt. Sent up for Concurrence.

On the Accompt of Capt. *John Gerrish*, as entred the 13th Currant, The Committee have examined the within Accompt, and are humbly of Opinion, that the Six Articles of Charge, of *l. 29 18s.* each, the Article of *l. 14 19s.* the other of *l. 37 10s.* together with that of *l. 27* for cleansing and keeping in order the Bright and Old Arms, and Pistols, for several Years, amounting to the Sum of *l. 248 17s.* is by far too much, and that one half will be a sufficient Allowance, being *l. 129 8s. 6d.* that therefore the Sum of *l. 169 9s. 4d.* and no more, be allowed and paid out of publick Treasury to the Accomptant *John Gerrish* in full discharge of this Accompt. Read and Accepted. And,

Resolved, That the Sum of *One Hundred Sixty Nine Pounds Nine Shillings and Four Pence* be allowed and paid out of the publick Treasury to the Accomptant Capt. *John Gerrish* in full discharge of the within Accompt.

Sent up for Concurrence.

William Tailer and *Adam Winthrop* Esqrs. brought down the Vote respecting

the New Enlistment of His Majesty's Garrison at Castle *William*, Sent up the 10th. Currant, pass'd in Council, *viz.* In Council *August* 16th. 1723. Read and Concurr'd with the Amendments. Sent down for Concurrence.

Thomas Fitch Esq; brought down the following Vote of Council, *viz.* In Council *August* 16th. 1723. *Whereas in the last Establishment of His Majesties Garrison at Castle William Voted by the General Court in the Year 1700, there are some things inconvenient and difficult to be practiced in their present [28] Circumstances, and other things wanting, particularly Directions to the Chaplain respecting his Duty there,* Ordered, That Col. *Tailer*, Col. *Quincy* and Col. *Winthrop*, with such as the Honourable House of Representatives shall Appoint, be a Committee forthwith to prepare a draft of Rules for the future Establishment of the said Garrison. Sent down for Concurrence.

Resolved, That Mr. Treasurer *Allen* be directed to demand and receive of Mr. *Joseph Curtis* of *Kittery*, as well as any other Person or Persons that have received of any Taverner, Retailer, &c. in the County of *York*, any Excise, the whole of what they have received, And to take Effectual Care the whole Duties of Excise that have hitherto been Collected be forthwith paid into the publick Treasury, and upon the said *Joseph Curtis*, or any other Person that may have received any Excise as aforesaid failing immediately to pay the same, and Adjust their Accompts, Mr. Treasurer is hereby further directed to prosecute all such Persons in the Law. And the Attorney-General of this Province, is hereby also ordered to be assisting Mr. Treasurer in the Management of that Affair.

Sent up for Concurrence.

Benjamin Lynde Esq; brought down the Papers referring to the Petition of the Farmers adjacent to *Sudbury* on the South side of that Town and *Natick*, as entered the 23d of *June* last, together with the Answer of the East Precinct of said Town to the aforesaid Petition, Also a Petition of *John Haynes* and *David How*, a Committee of the Western Precinct praying that the aforesaid Farmers may not be taken off from said Town, and that the *One Hundred and Fifty Pounds* granted by said Town of *Sudbury* to repair the Old Meeting-House may be Ordered to and for the defraying the Charge of removing the Old Meeting-House, if this Court should Order it to be removed, And a Memorial of *Caleb Johnson* in behalf of himself and the rest of the Farmers Petitioners, praying that the publick Meeting-House might be removed more South, and that a Committee may be sent at the Charge of the whole Town of *Sudbury*, to view the Circumstances of the Memorialists, that the said Meeting-House may be moved more South, or that they may be set off to *Natick* for the Reasons in said Memorial mentioned, and as they formerly petitioned for. Passed in Council, *viz.* In Council, *August* 17th, 1723. Read and Ordered, That the Prayer of this Petition be so far granted, that *William Tailer* and *Spencer Phipps* Esqrs. be a Committee to join with such as the Honourable House of Representatives shall appoint, to repair to the Easterly

Precinct in *Sudbury*, and Consider and Report whether it will be most reasonable to remove the Meeting-House there, and to what Place if to be removed, or whether the Petitioners ought to be taken off from *Sudbury*, and put to *Natick*, The Charge of the Committee to be born as this Court shall Order.

Sent down for Concurrence.

Then the House Adjourn'd 'till Tuesday next Ten of the Clock in the Forenoon.

B O S T O N: Printed by **Bartholomew Green** and **Samuel Kneeland**,
Printers to the Honourable House of Representatives. 1723. [29]

VOTES

Of the House of Representatives.

Martis Die 20 Augusti A, D. 1723.

MR. Secretary brought down sundry Letters which His Honour received from Col. *Westbrook*, and the Commanding Officers Eastward, giving an Account of divers Insults and Outrages Committed by the Indians on the Persons and Estates of several of His Majesty's good Subjects Inhabiting in the Eastern Parts of this Government. Also the Melancholy News of Capt. *George Carlile*, and three of his Men, being found dead on the Sands near the mouth of *Sagadahock*, as they were coming round to *Small Point*. And a Letter from *Liechester* giving an Account of some Damages done by the Indians at *Rutland*, with the state the Neighbouring Towns there are now in.

Read and sent up.

A Petition of Capt. *Elisha Plaisted* for himself and the rest of the Committee appointed for securing a Quantity of Trees cut into Loggs in the late Province of *Maine*, praying that as they presented their Accompt to this Court in *March 1721*. the House were pleased to pass a Vote for the payment of *l.17 7s. 2d.* for their Expence and Service, that an Order for the like Sum may now pass for their aforesaid Service. Read, And

Resolved, That the Sum of *Seventeen Pounds Seven Shillings & Two Pence* be allowed and paid out of the Publick Treasury to Capt. *Elisha Plaisted* for the use of the Committee for the Service mentioned in the Petition.

Sent up for Concurrence.

Ordered, That Mr. *Cooke*, Col. *Stoddard*, Capt. *Throop*, and Capt. *Hill*, with such as the Honourable Board shall appoint be a Committee to consider and project the most expedient and safe Way to put the Frontiers into a suitable posture of Defence, and to cover them in gathering in their Corn, Hay and Harvest, and report thereon as soon as possible.

Sent up for Concurrence.

Samuel Partrigg Esq; brought down the Bill Entitled, *An Act to Enable the Proprietors of the Town of Sutton to Support the Ministry among them*. Pass'd in Council, *August 19th. 1723*. Read twice and Concurr'd with Amendments.

Sent down for Concurrence. Read and Concurr'd. Also

A Bill Entitled, *An Act to Enable Caleb Spurrier of London late Resident at Portsmouth in New-Hampshire, to review an Action Originally brought by him against John Butler of George-Town in the County of York Innholder at the next Superiour Court of Judicature to be holden for the County of York*, Pass'd in Coun-

cil, viz. In Council August 19th. 1723. Read twice, the 20th. Read a Third Time, and pass'd a Concurrence with the Amendments.

Sent down for Concurrence. Read and Concurr'd.

Post Meridiem.

A Message from His Honour the Lieutenant Governour by Mr. Secretary.

I have directed the several Colonels of the Regiments near the Frontiers forthwith to give Orders to the Commanding Officers of the Companies, whether Horse or Foot, that they do without delay, see that their respective Companies are well Arm'd, and furnished with Ammunition, & in readiness to March to the Assistance of any Neighbouring Town that may be Attacked by the Enemy, & that they March out immediately upon an Alarm (pursuant to the Act for putting the Militia of the Province into a readiness for the Defence of the same) and especially that the Horse move to such place with all possible dispatch and patroll some reasonable Time for their Defence, and pursue the Enemy upon any Intelligence of them. And I think it proper to recommend it to [30] your Consideration, whether it would not be a means to have that Service more effectually performed if Pay and Subsistance were allowed to such of the Militia as shall do the Duty by Law enjoyned as above?

August 20th. 1723.

W. DUMMER.

Edmund Quincy Esq; brought down the Vote for putting the Frontiers in a suitable Posture of Defence, &c. pass'd in Council, viz. In Council August 20th. 1723.

Read and Concurr'd with the Amendments, and, that *Samuel Partrigg, John Otis, and Charles Frost Esqrs.* be added to the Committee for the Affair above.

Sent down for Concurrence. Read, and the House Concur with the first Amendment, the second Amendment the House Non-Concur, and insist on their own Vote with the first Amendment only.

A Petition of *Daniel Tucker*, as Entred the 14th. June past, and sent up to the Board, not pass'd on there, and now revived. Read, And

Resolved, That a Stipend of *Fifty Pounds* per Annum, be allowed and paid out of the publick Treasury to Serj. *Daniel Tucker*, 'till the further Order of this Court, he bearing his own Charge for Physick, Chyrurgery and Nursing.

Sent up for Concurrence.

An Accompt sign'd by Col. *Samuel Partrigg*, amounting to *Three Pounds* for a Scout of Six Men for themselves, Horses and Provisions, to make discovery of the Enemy near the Towns of *Hadley* and *Sunderland*. Read, And

Resolved, That the Sum of *Three Pounds* be allowed and paid out of the publick Treasury to Col. *Samuel Partrigg* to be by him paid to the Persons inserted in said Accompt for their Service as above expressed.

Sent up for Concurrence.

The several Papers belonging to the *Sudbury* Petition, as entred the 17th. Currant, with the Vote of Council thereon. Read and Concurr'd. And

Ordered, That *Henry Phillips*, *John Quincy* Esqrs. and Capt. *Samuel Brookes*, be added to the Committee of the Board for the Affair abovesaid.

Then the House Adjourned till to morrow Morning Ten a-Clock.

Mercurij Die 21 Augusti, A. D. 1723.

N *Athaniel Norden* Esq; brought down the following Vote of Council, viz. In Council *August 20th. 1723. Ordered*, That *Benjamin Lynde*, *Edmund Quincy* and *Adam Winthrop* Esqrs. with such as the Honourable House of Representatives shall appoint be a Committee to prepare & lay before this Court the draft of a Congratulation of the Delegates of the Eight Nations upon their Arrival, and proper Heads of the Conferences to be had with them afterwards, The Committee to sit forthwith. Sent down for Concurrence. Read and
Concurr'd with the Amendment, viz. dele (*and proper heads of the Conferences to be had with them afterwards*) And *Ordered*, That *Elisha Cooke*, *Jonathan Remington*, *John Quincy* Esqrs. and Capt. *William Throop* be added to the Committee of the Board. Sent up for Concurrence.

A Muster-Roll of the Company in His Majesties Service under the Command of Capt. *Samuel Wheelwright*.

A Muster-Roll of the Sloop *Sea-Flower*, a Transport in His Majesties Service Eastward, *Simon Slocum* Master. And

An Accompt signed *Edmund Mountfort* for his Service in delivering out Stores to the Eastern Forces from *January 1722*, to *August 19th*. Currant, amounting to *l.53 15s.* Read and Committed to the Committee for Muster-Rolls.

A Petition of *James Moodey* Marriner, shewing that he is now in His Majesties Goal in *Boston*, charg'd with the Sum of *l.573 2s. 5d.* so much recovered against him by *William Doyle* late resident in *Boston*, and that at His Majesties Superiour Court of Judicature held at *Boston* in *May* last, he had recovered against the said *William Doyle* two Judgments for *Eighty Five Pounds*, and Cost, praying that [31] the Sheriff of the County of *Suffolk* may be enabled to return the Execution Mr. *Doyle* has extended on him satisfied, upon payment of the whole Sum therein mentioned, discompting the aforesaid Sum of *Eighty Five Pounds* and Costs, for which the Petitioner has recovered Judgment as aforesaid. Read, And

Ordered, That the Petitioner serve Mr. *William Doyles*'s Attorney's with a Copy of this Petition, that so they may give in their Reasons on the Twenty-Second Day of *August* Instant, why the Prayer of the Petition should not be granted.

Voted, That His Honour the Lieutenant Governour be desired forthwith to Order the Commanding Officers of the Forces Eastward to repair to their several Posts at this Critical Juncture. Sent up for Concurrence.

Mr. Secretary brought down a Petition of *Nicholas Andrews* and *Mary* his Wife as she is Executrix to the last Will and Testament of *Samuel Read* deceas'd, praying that they may be Enabled by a private Act to bring forward a Writ of Review of an Action of the Case brought against them in their Capacity aforesaid, at an Inferiour Court held at *Newbury* for the County of *Essex* on the last Tuesday of *September* 1722, by *John Cogswell* of *Marblehead*, The Petitioner *Mary* at the sitting of the said Inferiour Court being very ill in Body and incapable of attending, Judgment went against the Petitioners by Default. Pass'd in Council, viz. In Council *August* 21st. 1723. Read and *Ordered*, That the Prayer of the Petition be granted, the Petitioners to pay the Cost hitherto incurr'd.

Sent down for Concurrence. Read and Concurr'd.

A Message from the Honourable Board, that the Board desire to speak with Mr. *Joseph Southworth*, a Member of this House.

A Petition of *Alexander Hamilton*, a Captive lately come from *Canada*, praying he may receive *l. 32 16s. 4d.* out of the Publick Treasury for so much he got a Credit for at *Quebeck* and *Albany*, as by two Accompts for Subsistance exhibited with the Petition.

Read and Committed to the Committee for Petitions.

A Bill Entitled, *An Act in Addition to, and for rendring more Effectual an Act made in the Tenth Year of the Reign of King William the Third, Entitled, An Act for preventing of Trespasses.* Read a Third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

A Bill Entitled, *An Act to Enable Bartholomew Jackson of Marblehead in the County of Essex, Physician, to file Reasons, and prosecute his Appeal at the next Superiour Court of Judicature to be holden at Salem, for the County of Essex, on the last Tuesday of October next, from a Judgment of an Inferiour Court of Common Pleas holden at Salem, in the County of Essex, on the last Tuesday of December last past, obtained against him, by Nicholas Andrews and Mary his Wife, as they were Administrators de bonis non to the Estate of Samuel Read late of Marblehead deceased.* Read a Second and a Third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

A Bill Entitled, *An Act for Enabling Patience Copp of Boston in the County of Suffolk Widow, as she is Guardian to Charles Short & Katharine Short Minors, to make Sale of their Right and Interests in a piece of Land and Flats at the South End of Boston.* Read a First Time.

A Petition of *Patience Copp* of *Boston* Widow, setting forth, that she had been favour'd with a Licence for some time to keep an Inn or Tavern in *Boston*, and this Year allowed by the Honourable the Justices of the County of *Suffolk* at their last Session, but by reason of Sickness she was prevented of giving Recognizance in Time, praying this Court would empower said Justices to take Recognizance, that she may still be allowed to be a Taverner as heretofore. Read, And

Ordered, That it shall and may be lawful for One or more of the Justices of the County of *Suffolk* together with the Clerk of the Court of General Sessions of the Peace for said County, to take Recognizance of the Petitioner that she may be allowed to be a Taverner, The Time by Law appointed for taking Recognizances on Licences granted for this present Year being elapsed notwithstanding.

Sent up for Concurrence. [32]

A Bill Entitled, *An Act for Regulating the Exportation of Candles.* Read a Third Time. And the Question was put, *Whether the said Bill should pass to be Engross'd?* It pass'd in the Negative.

Post Meridiem.

Mr. Secretary brought down the Bill Entitled, *An Act to give William Paine Esq; late Clerk of the House of Representatives a New Tryal, &c.* Pass'd in Council, viz. In Council August 15th. 1723. Read and Resolved, That the Board do adhere to their Amendments. Sent down for Concurrence.

Read and Non-Concurr'd. *For should the House come into that Amendment, it would have a Tendency to divest the House of Representatives of Certain Powers and Priviledges, granted to them by an Act or Law of this Court, pass'd in the Fourth Year of the Reign of King William & Queen Mary, Anno Dom. 1692. which the House of Representatives have from time to time been in the Use and Practice of, Nor do the House intend by any thing in this Bill to put Mr. Paine in better Circumstances as to barring Mr. Alden's Action, than if the Cause had come on at the First Court, and therefore the House Adhere to their Vote with the first Amendment.*

Sent up for Concurrence.

His Honour communicated a Letter from Col. *John Schuyler*, dated *Albany August 10th. 1723.* Which accompany'd the Delegates of the Eight Nations.

Read and sent up.

Ordered, That Mr. *Remington* go up to His Honour the Lieutenant-Governour and the Honourable Board, to inquire whether any thing be like to come down this Afternoon, for that the House would adjourn, Mr. Speaker having some extraordinary Business from the House, which requires his personal Attendance.

A Message from the Board, That the Report of the Committtee of both Houses, about Congratulating the *Maquois* on their arrival here will be presently sent down.

Addington Davenport Esq; brought down the Report of the Committee appointed to prepare a Vote to welcome the Delegates of the Eight Nations on their arrival here. Passed in Council, viz. Read and Concurred with the Amendments.

Sent down for Concurrence. Read and Concurred.

The Vote for a New Establishment at His Majesty's Garrison at *Castle William*, brought down the 17th Currant, with the Vote of Council thereon. Read

with the several Amendments of the Board, all which were Non-Concurred, and Voted, That instead of the Boards Amendment (A) the following Words be added, *viz.* Quarter Gunners, Serjeants and Corporals, and the House insist on their own Vote. Sent up for Concurrence.

The Vote of Council brought down the 17th Curreant, for preparing a Draft of Rules for the Establishment of the Garrison at *Castle William*. Read. And the Question was put, *Whether the House would Concur with the Board in said Vote.*

It passed in the Negative.

A Bill Entitled, *An Act in Amendment of, and Addition to an Act, Entitled, An Act against receiving Stolen Goods, Made and pass'd in the Third Year of the Reign of King William the Third.* Read a Third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

A Petition of the Military Commission Officers of the Town of *Almsbury*, in behalf of said Town, praying, that as they are a Frontier Town, they may be supplied with a Scout, to guard on the Out-skirts of their Town. Read. And,

Voted, That His Honour the Lieutenant Governour be desired to order a Detachment of *Four* Men, belonging to said Town, as a Scout, to be under the Care of the chief Officer there. Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a-Clock.

VOTES

Of the House of Representatives.

Jobis Die 22 Augusti A. D. 1723.

W Hereas the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas for the County of Middlesex are appointed by Law to be held at Concord in said County upon the last Tuesday of this Instant August, and several of the Justices of the said County, &c. concerned, are Members of this Court, Resolved, That in consideration of the present sitting of the General Court, the said Court of General Sessions of the Peace and Inferiour Court of Common Pleas be and hereby are Adjourned to the Second Tuesday of September next, Any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

An Accompt of *Samuel Bemus* for keeping and tending a Horse (impressed for the Delegates) four Weeks. Read and Resolved, That the Sum of *Ten Shillings* be allowed and paid out of the Publick Treasury to *Samuel Bemus* in full satisfaction for keeping and tending the aforesaid Horse.

Sent up for Concurrence.

A Petition of *John Welland* of *Boston*, shewing that he was so unfortunate as to fall into the hands of *Low* the Pirate, who cut off his right Ear, and us'd him with other great Barbarities, And that since Capt. *Solgard* had taken *Charles Harris* and Company, he was at some considerable Expence in Travelling to *Rhode Island*, to be at the Tryal of those Pirates, that he has a Negro lately imported here from *Jamaica*, praying this Court would remit the Duty of Impost on the Negro, and grant him what Allowance shall seem meet to them for his Attending at *Rhode Island* as aforesaid. Read, And in Answer to this Petition.

Resolved, That the Duty of Impost on said Negro being *Four Pounds*, be remitted to the Petitioner for the Reasons mentioned in his Petition.

Sent up for Concurrence.

A Petition of *David Melvill* Keeper of His Majesties Goal in *Boston*, praying for some Allowance for maintaining and keeping two Criminals now Prisoners there, viz. *Maurice Fitz Gerrald* and *Martha Edwards*, Amounting to *l.23 10s.* Also an Accompt of Victualling the Indian Prisoners there, Amounting to *l.27.*

Read and Committed to the Committee for Petitions.

Nathaniel Norden Esq; brought down the Petition of *Elisha Plaisted* Esq; as Entred the 20th. Currant, pass'd in Council, viz. In Council August 21st. 1723. Read and Non-Concurr'd. And Ordered, That the Petitioner and the rest of the Committee pay into the publick Treasury the *Forty Pounds* for which they sold the Loggs referred to in the Petition, deducting the Sum of *Seventeen Pounds*

Seven Shillings & Two Pence which they are allowed upon their Accompt of Charges, &c. on said Loggs. Sent down for Concurrence.

Read and Referred to the next Session for further Consideration. And

The Muster-Roll of the Company in His Majesties Service under the Command of *John Wheelwright* Esq; Captain, as Entred the 10th. Currant, pass'd in Council, *viz.* In Council *August 21. 1723.* Read and Concurr'd so far as that the Sum above-mentioned be allowed to the Officers and Soldiers contained in the within Roll, and that the Wages due to Col. *John Wheelwright* be stop'd in the Treasury until this Court shall Order Payment thereof.

Sent down for Concurrence. Read and Non-concurr'd, And the House insist on their own Vote. [34]

A Message from His Honour the Lieut. Governour by *Adam Winthrop* Esq; that if the House desire to be in the Council Chamber when the Delegates of the Eight Nations make their Appearance, they would inform His Honour, that preparation may be made accordingly.

Ordered, That a Message be sent up to His Honour to acquaint him, that the House is willing to be present, when the Delegates make their Appearance in the Council Chamber.

An Accompt sign'd *Thomas Wells*, amounting to *l.5 1s. 9d.* for a Journey from *Deerfield* with the Delegates to *Boston*, by Order of Capt. *Jonathan Wells*.

Read and Committed to the Committee for Petitions.

Post Meridiem.

A Muster-Roll of the Company in His Majesties Service under the Command of Capt. *Johnson Harman*. Also several Accompts of Disbursments of the said Capt. *Harmans*. Read and Committed to the Committee for Muster-Rolls.

A Bill Entitled, *An Act to Enable* Patience Copp of Boston in the County of Suffolk Widow, as Guardian to Charles Short & Katharine Short Minors, to make Sale of a piece of Land & Flats belonging to said Minors lying at the South-End of Boston. Read a Second and a Third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

A Bill Entitled, *An Act for the better Regulating Indians, Negroes & Molattoes, &c.* Read a Second Time.

A Petition of *John Pressey* of *Almsbury*, praying he may be allowed to Sell strong Liquors without paying the Duties of Excise for the Reasons therein mentioned, Recommended by the Select-Men of said Town. Read, And

Ordered, That the Petitioner be allowed to Sell strong Liquors, within or without Doors, without paying the Duties of Excise.

Sent up for Concurrence.

A Message from His Honour by *Samuel Browne* Esq; that the Delegates were

presently expected in the Council Chamber, That the House would be present if they pleased upon their Reception.

Mr. Speaker and the House went up accordingly, and after some short time the Delegates were publicly received and admitted into the Council Chamber, where they were conducted to their Seats by Order. His Honour the Lieut. Governour from the Chair Congratulated them on their safe Arrival into this Government, and gave them Assurances that proper care should be taken of them during their continuance here, and that after they had recovered the Fatigue of their Journey, 'twas expected they would proceed to the business they were come hither upon. The Delegates by their Interpreter Mr. *Kellogg*, made a Speech to His Honour and the Court, with their Thanks for the kind Reception they met with in this Government, and expressing their Resentments at the Depredations and Outrages the Eastern Indians have committed upon us, and their friendly Dispositions towards us, and that they heartily condoled and lamented with us in the loss of so much of our Blood which has been so lately spilt by those Indians.

The Delegates having finished their Speech, after some space Mr. Speaker with the House returned to their own Chamber.

Then the House Adjourned till to morrow Morning Ten a-Clock.

Veneris Die 23 Augusti A. D. 1723.

O*Rdered*, That Mr. Treasurer be directed to provide a suitable Shirt for each of the Delegates, and their Attendants. Sent up for Concurrence. [35]
Nathaniel Paine Esq; brought down the following Engross'd Bills, *viz.*

A Bill Entitled, *An Act to Enable the Proprietors of the Town of Sutton to Support the Ministry among them.*

Read and *Resolved*, That the Bill pass to be Enacted.

A Bill Entitled, *An Act to Enable Caleb Spurrier of London Merchant, late Resident in Portsmouth in His Majesties Province of New-Hampshire to Review an Action Originally brought by him against John Butler of George-Town in the County of York Innholder, at the next Superiour Court of Judicature to be holden for the County of York.* Read and *Resolved*, That the Bill do pass to be Enacted.

A Bill Entitled, *An Act in Amendment of, and Addition to an Act Entitled, An Act against receiving Stolen Goods, made and pass'd in the Tenth Year of the Reign of King William.* Read and *Resolved*, That the Bill pass to be Enacted.

A Bill Entitled, *An Act to Enable Bartholomew Jackson of Marblehead in the County of Essex, Physician, to file Reasons, and prosecute his Appeal at the next Superiour Court of Judicature to be holden at Salem, for the County of Essex, on the last Tuesday of October next, from a Judgment of an Inferiour Court of Common Pleas holden at Salem, in the County of Essex, on the last Tuesday of December last past, obtained against him, by Nicholas Andrews and Mary his Wife, as they*

were Administrators de bonis non to the Estate of Samuel Read late of Marblehead deceased. Read and

Resolved, That the Bill do pass to be Enacted.

John Appleton Esq; brought down the Bill Entitled, *An Act in Addition to and for rendring more Effectual an Act made in the Tenth Year of the Reign of King William the Third, Entitled, An Act for preventing of Trespasses*. Sent up the 21st Instant. Passed in Council, viz. In Council August 21st and 22d. Read three several Times, and passed a Concurrence, with the Amendments. Sent down for Concurrence. Read. And, the House Non-Concur the Amendment (B), The House Concur with the Board in the other Amendments, with their Amendment. Sent up for Concurrence.

Col. *Dudley* from the Committee for Muster-Rolls, reported, viz.

On the Accompt of Capt. *Elisha Plaisted* as entred the 12th Currant, The Committee are of Opinion, That there be allowed and paid out of the publick Treasury the Sum of *l. 9* only, to the within mentioned *Elisha Plaisted*, Esq; in full discharge of this Accompt, that being after the rate of 40s. per Month from the 16th of *September*, to the 20th of *January*, when there was another Establishment, for delivering out Stores, &c. Read and Accepted. And,

Resolved, That the Sum of *Nine Pounds* be allowed and paid out of the publick Treasury to *Elisha Plaisted* Esq; in full discharge of the within Accompt.

Sent up for Concurrence.

On the Muster-Roll of the Company in His Majesty's Service, at Fort *George* under the Command of Capt. *John Gyles*, The Committee find it right Cast and well Vouched by his Oath, but whereas *Thomas Cowell* entred Gunner, after the rate of *l. 40* per Annum, and there being no Establishment therefor, The Committee are of Opinion, that his Wages be reduced to 9s. per Week, whereby the Sum of *l. 7 1s. 9d.* will be deducted out of his Wages, and reduced to *l. 9 19s. 3d.* The Committee are therefore of Opinion that the Sum of *l. 169 14s. 9d.* be accordingly allowed and paid out of the publick Treasury unto the said Capt. *John Gyles*, the other Officers and Soldiers born on the within Roll to whom the same is respectively due in full discharge of the Wages thereof.

Read and Accepted. And,

Resolved, That the Sum of *One Hundred Sixty Nine Pounds Fourteen Shillings and Nine Pence*, be allowed and paid out of the publick Treasury to Capt. *John Gyles*, the other Officers and Soldiers born on the within Roll, to whom the same is respectively due, in full discharge of the Wages thereof.

Sent up for Concurrence. [36]

On another Muster-Roll of the Company in His Majesty's Service under the said Capt. *Gyles*'s Command at Fort *George*, &c. The Committee find it right Cast, and well Vouched by his Oath, that the Men were in actual Service the whole time they stand inserted, are therefore of Opinion, that the Sum of *l. 296*

18s. 1d. be allowed and paid out of the publick Treasury to the said *John Gyles*, and the other Men inserted in this Muster-Roll, and whereas Lieut. *Gardner* and Nine other of the Men in this Roll, were detached from the Garrison at *Brunswick*, as marching Soldiers, and were actually employed as such from the 16th of *January* last, to the end of this Roll, The Committee are therefore of Opinion, that the Wages of those Men, be advanced according to the Establishment of marching Forces, and that therefore the Sum of *l. 6 9s. 10d.* be added to Lieutenant *Gardner*, *l. 3 5s. 4d.* to *Rowland Norton*, *l. 3 5s. 4d.* to *Robert Lithgo*, *l. 3 5s. 4d.* to *David Maclever*, *l. 3 5s. 4d.* to *John Harper*, *l. 3 5s. 4d.* to *Robert Deaming*, *l. 3 5s. 4d.* to *James Stevenson*, *l. 3 5s. 4d.* to *William Cockraine*, *l. 3 5s. 4d.* to *John Malcomb*, *l. 3 5s. 4d.* to *James Stevenson Jun.* *l. 1 8s. 1d.* to *David Denning*, and accordingly paid out of the publick Treasury, which with the Sums entred in the Roll, will be the pay of marching Soldiers, in full discharge of the Muster-Roll on the other side. Read and Accepted. And,

Resolved, That the Sum of *Three Hundred Thirty Four Pounds Four Shillings and One Penny*, be allowed and paid out of the publick Treasury to the Officers and Soldiers born on the within Muster-Roll, agreeable to the above Report, in full discharge thereof. Sent up for Concurrence.

On the Muster-Roll of Capt. *Samuel Wheelwright*, The Committee find it right Cast and well Vouched by the Oath of said *Wheelwright*, who affirmed that all the Men born on the within Roll were in actual Service the whole Time they stand entred, And whereas, *Arthur Low*, *John Williams*, *Joseph Peek*, *Benjamin Lake*, *Isaac Shute*, and *William Barber* (all are returned Deserters,) have entred to themselves several Sums, amounting in the whole to the Sum of *l. 25 4s. 2d.* said to be supply'd them by the Commissary in Part, The Committee are of Opinion, that said Sum of *l. 25 4s. 2d.* be made good by the Treasurer, until he or his Substitutes can make it appear the same was supply'd out of the publick Stores, and that the Sums entred remaining due to the said Men, amounting in the whole to *l. 14 3s. 9d.* be deducted out of the Wages of this Roll, and that the Neet Wages after the said Deduction, *viz. l. 499 17s. 4d.* be allowed and paid out of the publick Treasury to the said *Samuel Wheelwright*, the other Officers and Soldiers, to whom the same is respectively due, in full discharge thereof.

Read and Accepted. And,

Resolved, That the Sum of *Four Hundred Ninety Nine Pounds Seventeen Shillings and Four Pence* be allowed and paid out of the publick Treasury to the said *Samuel Wheelwright*, the other Officers and Soldiers born on the within Roll to whom the same is respectively due, in full discharge of the Wages thereof.

Sent up for Concurrence.

A Bill Entitled, *An Act in Addition to the Act Entitled, An Act for the better Observation of the Lord's Day, made in the Fourth Year of the Reign of King William and Queen Mary.* Read a second Time.

A Petition of *Margaret Hilton* Relict Widow of *William Hilton*, shewing that her late Husband was Captain of a Foot Company in the Service of this Government, and that he dyed of the Distemper that was prevailing in the Army, after a fit of Sickness of nine Weeks, that the Petitioner has been at great Expende in paying Doctors Bills, Nurses, &c. during her Husbands Sickness, and is left in distressing Circumstances, praying the Compassionate Consideration of this Court, that they would relieve her in the Premises as in their Wisdom shall seem meet.

Read. And the Question was put, *Whether any Allowance be made to the Petitioner out of the publick Treasury?* It passed in the Negative. [37]

Post Meridiem.

Col. *Dudley* from the Committee for Muster-Rolls, reported on the Muster-Roll of Capt. *Johnson Harman*, The Committee find it right Cast and well Vouched by the Oath of Capt. *Harman*, and are of Opinion, that the Sum of *l. 6* be deducted out of Capt. *Harman's* Pay, he having over-charged that Sum for supplying Stores, &c. before that Establishment was made, and after that Deduction, that the Sum of *l. 960 17s. 1d.* be allowed and paid out of the publick Treasury to the said *Johnson Harman*, the other Officers and Soldiers, to whom the same is respectively due in full discharge thereof.

Read and Accepted. And,

Resolved, That the Sum of *Nine Hundred and Sixty Pounds Seven Shillings & One Penny*, be allowed and paid out of the publick Treasury to the Officers and Soldiers born on the within Roll, to whom the same is respectively due agreeable to the above Report, in full discharge of the said Muster Roll.

Sent up for Concurrence.

On the Accompt of Disbursements of Capt. *Johnson Harman*, The Committee find the same right Cast and well Vouched by the Receipts of the several Articles, are therefore of Opinion that the Sum of *l. 36 2s. 6d.* be allowed and paid out of the publick Treasury to Capt. *Johnson Harman* in full discharge of this Accompt.

Read and Accepted. And,

Resolved, That the Sum of *Thirty Six Pounds Two Shillings & Six Pence*, be allowed and paid out of the publick Treasury to Capt. *Johnson Harman*, in full discharge of this Accompt. Sent up for Concurrence.

The Report of the Committee on the Petition of *Thomas Sawen*, with the Vote of Council thereon, as entred the 25th. of *June* past. Read, and the Question was put, *Whether the Report of the Committee should be Accepted?*

It pass'd in the Negative. And *Voted*, That the said Petition be dismiss'd.

Sent up for Concurrence.

Upon Reading a Petition of William Anthony in behalf of the Inhabitants of Shewawmett, and a Motion made, *Voted*, That the Honourable *Nathaniel*

Byfield Esq; Capt. *William Throop*, Mr. *Edward Shove*, Mr. *Robert Crossman*, and *Joseph White* Esq; be a Committee to repair to *Swanzy* and *Shewawmett*, and enquire into and consider the Circumstances of those two Places, the Inconveniencies as well as Advantage that may arise by *Shewawmetts* being Annexed to and made part of the Town of *Swanzy* as formerly, and make Report to this Court at their next Session. The Charge of the Committee to be born by *Shewawmett*. Sent up for Concurrence.

Mr. Secretary brought down an Examination of *Nicholas* and *Mary Kemp*, taken before the Honourable *Samuel Cranston* Esq; &c. at *Newport* on *Rhode-Island*, which the Honourable *Nathaniel Byfield* Esq; transmitted to His Honour the Lieut. Governour, about Counterfeiting Bills of Credit, with an Account of sundry Persons supposed to be concerned in that Villainous practice.

Read and sent up.

A Petition of *James Moody* Mariner, as Entred the 21st Instant, with the Answer to Mr. *William Doyles* Attorney Mr. *Robert Robinson* thereto. Read, and the Question was put, Whether the Prayer of the petition should be granted?

It pass'd in the Negative.

Then the House Adjourned till to Morrow Morning Nine a-Clock.

Sabbati Die 24. Augusti, A. D. 1723.

A Petition Signed *James Wood* in the Name of the Inhabitants of the East Precinct in *Enfield*, and Clerk to the said Precinct, with a Declaration of sundry of the Inhabitants of the Town of *Enfield*, in favour of the Petitioners, [38] praying, that the Lands of the Resident and Non-Resident Proprietors of the said Precinct within the same, may be subjected to such a Tax as this Court shall Order to Support the publick Charge of said Precinct, for the reasons therein mentioned. Read and referred to the next Session for further Consideration.

Col. *Dudley* from the Committee for Muster-Rolls, Reported on the Accompt of Disbursments of Capt. *John Gyles* at His Majesties Fort *George* at *Brunswick*, for Wooding and Repairs, The Committee find it right Cast and according to former Accompts of the like Nature, therefore are of Opinion that the Sum of *l.20 8s.* be allowed and paid out of the publick Treasury unto the said *John Gyles* in full discharge of this Accompt. Read and Accepted, And

Resolved, That the Sum of *Twenty Pounds Eight Shillings* be allowed and paid out of the publick Treasury to Capt. *John Gyles* in full discharge of the within Accompt. Sent up for Concurrence.

Nathaniel Payne Esq; brought down an Engross'd Bill, Entitled, *An Act in Addition to, and for rendring more Effectual, An Act made in the Tenth Year of the Reign of King William the Third, Entitled, An Act for preventing of Trespasses.*

Read and *Resolved*, That the said Bill do pass to be Enacted.

Thomas Fitch Esq; brought down the following Vote of Council, viz. In Council *August* 24th. 1723. *Voted*, That *William Tailer*, *Edmund Quincy*, and *Adam Winthrop* Esqrs. be a Committee of this Board to Confer with such Persons as the Honourable House of Representatives shall appoint, on the Votes pass'd this Session respecting the Garrison at His Majesties Castle *William*.

Sent down for Concurrence. Read and Non-Concurr'd.

Whereas the House on Fryday the 16th. Instant *Voted*, That His Honour the Lieut. Governour be desired to Order a Detachment of Four able and effective Men of the Inhabitants of the Town of *Dracut*, Six of *Haverhill*, Six of *Lancaster*, Five of *Dunstable*, Six of *Groton*, Three of *Shrewsbury*, Four of *Leicester*, Five of *Rutland*, Six of *Brookfield*, Four of *Sunderland*, and Six of *Deerfield*, The House are humbly of Opinion, that those Scouts be put under the Care and Direction of the Chief Military Officer of the several and respective Towns Enumerated in the aforesaid Vote, which tends best to answer the good design of their Scouting, And that each Officer be allowed and paid for his Care in his said Service the Sum of *Five Shillings* per Week, and that His Honour the Lieut. Governour be desired to give his Orders accordingly. Sent up for Concurrence.

Voted, That His Honour the Lieutenant Governour be desired to Order a Detachment of Four able effective Men to be sent to *Turkey-Hills*, to Guard the Inhabitants there 'till the last Day of *September* next, in gathering in their Harvest, and that His Honour be desired to put them under the Care of the Chief Officer at *Lancaster*, directing him to reduce the said Inhabitants into two Garrisons. Sent up for Concurrence.

Ordered, That a Message go up to His Honour and the Board, to Acquaint them the House is desirous of Adjourning to Tuesday Morning Ten a Clock.

A Message from His Honour by Mr. Secretary, That if the House have nothing of Moment lying before them, he approves of their Adjourning to Tuesday. Then the House Adjourn'd 'till Tuesday next Ten of the Clock in the Forenoon.

VOTES

Of the House of Representatives.

Martis Die 27 Augusti A, D. 1723.

A Bill Entitled, *An Act for the better Regulating Indians, Negroes and Molattoes, &c.* Read a Third Time, And the Question was put, *Whether the Bill should pass to be Engross'd?*

It pass'd in the Negative.

Mr. Cooke made a Motion that He might have Liberty to bring in a Bill for the better regulating Indians, Negroes and Molattoes belonging to and residing in the Town of *Boston*. Ordered, That Mr. Cooke have leave to bring in a Bill accordingly.

Mr. Secretary brought down a Letter which His Honour thought proper to Communicate to the House, dated *Small-Point August 15th. 1723.* from *Eleazer Fisher* and others, giving an Account of their being attack'd by a Party of Indians, (as they judg'd consisting of three or four Score) on the 14th of this Instant *August*, That one of the Five Men which were of the *Fort* was Slain, as he was going for Water.

Ordered, That Mr. *Hastings*, Mr. *Prescot*, Mr. *Jennings*, Mr. *Menzies*, Mr. *Chambers*, and Mr. *George Browne*, be a Committee to consider and project the most suitable and expedient Methods to put the Western Frontiers into a further posture of Security and Defence, and report thereon as soon as may be.

A Message from His Honour by Mr. Secretary, viz.

GENTLEMEN, *I Observe in the Prints a Vote of the Honourable House August 15th. desiring me to send a sufficient Scout to the Western Frontiers, Sent up for Concurrence, which Vote I never saw nor was it brought up to the Board, I observe also that your Vote of Saturday the 24th of August, relating to the Western Frontiers recites and refers to a Vote of the 16th. of August in the Morning, for 55 Men to be raised out of the several Towns there Enumerated for defence of the said Frontiers, whereas the Vote of the 16th. was not Concurr'd, the House disagreeing to the Amendments of the Board thereon, And in the Afternoon of the same Day did sent up another Vote for 60 Men for the said Service which was Concurr'd by the Board; Agreeable thereto I gave out my Orders forthwith, which before this, are all doubtless put in Execution, I conclude the House must be under some Mistake in this Matter, and that they did not intend both Votes to have Effect, the Whole amounting to 115 Men. I have sent down an Account of the disposition of the Men, and shall readily make up the Numbers where they are wanting, if the Court think fit to Vote their Pay and Subsistance.*

W. DUMMER.

Post Meridiem.

Josiah Winslow Esq; brought down a Memorial of *Jared Talbot* of *Dighton* in the County of *Bristol* Esq; shewing that whereas He preferr'd a Petition to this Court at their Session in *November* last for Relief upon an Action of *Scire Facias* brought against him by *Timothy* and *Nathaniel Halloway* of *Dighton*, at the last Superiour Court held at *Bristol*, and continued to the next Term by the Honourable Court, upon which Petition this Court Ordered the said *Halloway's* should be served with a Copy thereof, which was done, and at the said *Halloway's* request the Matter was continued to the *May* Session, when it was submitted to Referrees, and the time for bringing in their Award being elapsed, and the Award not being given in, the Petitioner is without Remedy in the Law, unless relieved by this Court, praying he may be allowed to bring in a Bill to Enable the Judges of the Supe-[40]riour Court to Hear and Chancer the Judgment on which the said *Scire Facias* is grounded, to the just Debt and Damages, Pass'd in Council, viz. In Council *August 27th. 1723.* Read and in Answer to this Petition,

Ordered, That the Justices of the Superiour Court of Judicature be impowred and directed at their next Session to be held at *Bristol*, to Hear and Chancer the Judgment on which the said *Scire Facias* referr'd to in the Petition is grounded, down to the just Debt and Damages, according to Equity and good Conscience, Provided the Petitioner notify the Parties or One of them Seven days before the sitting of the said Court, and that the Petitioner have Leave to bring in a Bill accordingly. Sent down for Concurrence. Read and Concurr'd.

A Petition of *Mary Stockbridge* Relict Widow of *Samuel Stockbridge*, shewing that her late Husband while in the Pay and Service of this Government was unfortunately killed, and at the Time of his Death there was due to him *l.5 16s. 8d.* for his Service, as will appear by Capt. *Harman's* Muster-Roll, and is now in the Treasury, praying she may be allowed to receive the same of the Province Treasurer for the Reasons therein mentioned. Read, And

Resolved, That Mr. Treasurer *Allen* be directed to pay to the Petitioner the Wages due to her late Husband *Samuel Stockbridge*, being *Five Pounds Sixteen Shillings and Eight Pence.* Sent up for Concurrence.

Ordered, That Capt. *Hill*, Mr. *Smith*, and Mr. *Reed* be a Committee to View the Country's Stock of Powder, report the Quality of it, and mark that which is most fit for the present Service.

A Petition of *Joseph Hill* Esq; and sundry other Inhabitants of the Town of *Wells*, shewing that by Order of Col. *John Wheelwright* they received several Soldiers impressed into His Majesties Service in the Year 1718, and out of their own Provisions Subsisted them, for which they have as yet received no satisfaction, praying this Court would order them pay for the aforesaid Subsistence.

An Accompt of *Timothy Dwight* for going to *Albany*, and assisting *Lieut. Kellogg* in bringing down the Delegates to *Boston*, amounting to *l. 12 15s.*

Read and Committed to the Committee for Petitions.

An Accompt of Expences of *Lieut. Joseph Kellogg* in bringing down the Delegates from *Albany* to *Boston*, with the Company that attended on that Service, Amounting to *l. 41 4s. 1d.*

Read and Committed to the Committee for Petitions.

A Petition of *Thomas Ingersole* as Entred the 25^{th.} of *June* last, referred to this Session. Read and Committed to the Committee for Petitions.

A Petition of *John Overing Esq;* Attorney-General of this Province in the Year 1722. praying some Allowance for his Service therein. Read and Resolved, That the Sum of *Five Pounds* be allowed and paid out of the publick Treasury to the Petitioner, in full for his Service as above expressed.

Sent up for Concurrence.

Jonathan Belcher Esq; brought down an Engross'd Bill Entitled, *An Act for Enabling Patience Copp of Boston in the County of Suffolk Widow, as she is Guardian to Charles Short & Katharine Short Minors under the Age of Twenty-One Years, to make Sale of the Right and Interest of the said Minors in a piece of Land & Flats at the South-End of the Town of Boston.*

Read and Resolved, That the Bill do pass to be Enacted.

John Appleton Esq; brought down the Vote of the House sent up the 8^{th.} Currant, about sorting the Papers, &c. which were preserved in the late Fire when the Town-House in *Boston* was burn'd, Pass'd in Council, viz. In Council *August 27^{th.} 1723.* Read and Concurr'd, and that *Mr. Davenport* and *Mr. Secretary* be added to the Committee. Sent down for Concurrence.

Read and Concurr'd.

Then the House Adjourned till to Morrow Morning Nine a-Clock.

Mercurij Die 28. Augusti, A. D. 1723.

A Petition of *Solomon Steward, Richard Jaques, & Samuel Sanders*, three Soldiers in *Capt. Harmans* Company, Setting forth, that in the Service of the Government they have each of them lost their Fire Arms, praying they may have allowance for them, for the Reasons therein mentioned. Read and Committed to the Committee for Petitions. [41]

Mr. Cooke from the Committee for Petitions Reported, viz.

On the Accompt Sign'd *Jonathan Dowse* and *Timothy Clark*, for repairing the Damages done at the Light-House, as Entred the Ninth Currant, The Committee have Examined the within Accompt, find it right Cast and well Vouch'd, that therefore the Sum of *l. 26 15s. 11d.* be allowed and paid out of the publick Treasury to the Accomptants in full Discharge of the within Accompt.

Read, Accepted, And

Resolved, That the Sum of *Twenty Six Pounds, Fifteen Shillings & Eleven Pence*, be allowed and paid out of the publick Treasury to the Accomptants *Jonathan Dowse* and *Timothy Clark* Esqrs. in full Discharge of the within Accompt.

Sent up for Concurrence.

On the Accompt of *Thomas Wells*, The Committee are of Opinion that the Sum of *l.3 11s. 9d.* be allowed and paid out of the publick Treasury to the Accomptant *Thomas Wells* in full of this Accompt. Read and Accepted, and

Resolved, That the Sum of *Three Pounds, Eleven Shillings & Nine Pence*, be allowed and paid out of the publick Treasury to the Accomptant *Thomas Wells* in full Discharge of said Accompt. Sent up for Concurrence.

On the Accompt of *Timothy Dwight*, The Committee are of Opinion, That the Sum of *Three Shillings* per Day be deducted out of the first Article, and that the Sum of *l.9 6s.* and no more, be allowed and paid out of the publick Treasury to Col. *Samuel Partrigg*, to discharge the above Accompt. Read, And

Resolved, That the Sum of *Nine Pounds and Six Shillings* be allowed and paid out of the publick Treasury to Col. *Samuel Partrigg* for the use of the Accomptant, in full Discharge of the above Accompt. Sent up for Concurrence.

On the Memorial of *John Gooch* as Entred the 15th. The Committee having considered the several Allegations in the within Petition, do find that the Petitioner by Order of Mr. Treasurer *Allen*, supply'd out of his own Goods, Soldiers in several Companies with necessary Slops, the publick Stores being then Expended, To Col. *Walton's* Company, Capt. *Temples*, Capt. *Shipley's*, Capt. *Harman's*, Capt. *Heath's* and Capt. *Penhallow's*, all amounting to the Sum of *l.137 8s.* which the Committee are of Opinion the Treasurer be directed to allow to the said *John Gooch* in Adjusting and Settling Accompts with him, The other part of the Accompt consisting of Rhum, Pipes and Tobacco to sundry Soldiers, ought not to be discompted by the Treasurer. Read and Accepted. And

Resolved, That Mr. Treasurer *Allen* be directed to allow the Memorialist *John Gooch* the Sum of *One Hundred Thirty Seven Pounds Eight Shillings*, in Adjusting Accompts with him, for so much supply'd the Forces out of his particular Stores before the Province Slops arrived, being for the Service of the Province.

Sent up for Concurrence.

In the House of Representatives, *August 28th. 1723.*

In Answer to the Message of His Honour brought down yesterday by Mr. Secretary.

The House did not send up the Vote (mentioned in the Message) to the Honourable Board for Concurrence, as was first intended, for that soon after another Vote for Appointing a Committee to prepare and project the proportioning of the Number of Men for those Scouts was agreed upon, who made their Report the Day following, and being Accepted, the House came into a Vote thereupon, and sent it up to the Honour-

able Board for Concurrence, And we humbly conceive by the Vote of Saturday last, nothing therein inserted looks as if the House intended to have two Scouting Parties to consist of One Hundred & Fifteen Men, they well knowing that the first Vote of the 16th. Instant was Non Concurr'd by the Board, But the House being Apprehensive that unless those Scouts were put under the Care of the Chief Military Officer in each Town, which they were well informed was not designed, they would be of little or no Service or Security to those Parts, and therefore referred to the aforesaid Vote, in which the Duty and Business of those Scouts were more fully and plainly laid down, therefore the House Apprehend themselves under no Mistake. But for as much as the Vote of this House of Saturday last sent up to the Honourable Board for Concurrence has not been past upon, The House are humbly of Opinion that the Message from His Honour is altogether out of Course. Sent up by John Menzies Esq; [42]

A Message by Edmund Quincy Esq; That His Honour and the Board desire to speak with Mr. John Sanders a Member of this House.

Voted, That His Honour the Lieutenant Governour be desired forthwith to order a Detachment of *One Hundred and Fifty* Men to be sent to the Western Frontiers, for their further and better Security and Defence, to be disposed of as this Court shall Advise, and that in the mean time, His Honour be desired to Post them in the most exposed Places in those Parts.

Sent up for Concurrence.

Post Meridiem.

Voted, That *Two* more Men be added to the Scout of *Four* already appointed for the Town of *Lancaster*, *Two* more Men to the Scout at *Haverhill*, *One* to the *Brookfield* Scout, and a Scout of *Four* Men be appointed to Scout at the Town of *Almsbury*, and that His Honour be desired to give his Orders accordingly.

Sent up for Concurrence.

Josiah Winslow Esq; brought down the Vote sent up this Morning, about raising *One Hundred and Fifty* Men, to be sent to the Western Frontiers. Passed in Council, viz. In Council *August 28th. 1723.* Read and Concurred with the Amendments. Sent down for Concurrence. Read and Non-Concurred.

With a Message, That the Delegates were to be at the Council Chamber at Four of the Clock, and if the House desired to be present when they were there, they would send Word, that suitable Preparation may be made.

Ordered, That *Elisha Cooke* Esq; go up to His Honour and the Honourable Board to acquaint them, the House expects to be present when the Delegates are received in the Council Chamber, and that the House desire that none but the Members of the Court might be allowed to be present when the Delegates were before the Court.

Ordered, That *William Dudley*, and *John Quincy* Esqrs. and Mr. *Thomas*

Choate be a Committee to consider and project a proper Vote for the better employing the several Companies of Troopers belonging to this Province, as a Guard and Defence for the Western Frontiers.

An Accompt of *Bartholomew Green & Samuel Kneeland* for the Paper & Printing the Votes of the last Session. Read and *Resolved*, That the Sum of *Twenty Eight Pounds Five Shillings & Six Pence* be allowed and paid out of the publick Treasury to the Accomptants *Bartholomew Green & Samuel Kneeland*, in full discharge of this Accompt. Sent up for Concurrence.

Mr. Secretary brought down several Letters which His Honour thought proper to Communicate, giving an Account of several Persons being Slain by the Indian Enemy in the Eastern Parts of this Government, and the Government of *New-Hampshire*. Read.

A Message from His Honour the Lieut. Governour by *Nathaniel Paine* Esq; That the Delegates were presently expected in the Council Chamber. Mr. Speaker and the House went up, and the Delegates after a little space were received into the Council Chamber, and made a Speech to the Court, of what according to the custom of their Nation was previous to a Treaty on the Affairs and Business for which they were come into this Government upon: And His Honour made a proper Compliment to them in Return. And then they withdrew.

Mr. Speaker and the House returned to their own Chamber.

Then the House Adjourned till to Morrow Morning Eight a-Clock.

VOTES

Of the House of Representatives.

Jobis Die 29 Augusti A. D. 1723.

MR. Secretary brought down the following Message from His Honour Yesterday, viz.
Gentlemen of the Representatives,

In Answer to your Message sent me this Morning I would observe to you that as your Vote first referr'd to was superseded by another, and never sent up at all, it ought not to have gone into the Print in that manner, by which it appears to lye with the Board or with me, And as to the Votes of the 16th Instant relating to the Scouts it is very plain they have no reference to each other, neither the Number of Men nor the Towns Enumerated in the said Votes being the same. It was the Opinion of the Board as well as mine, that the first Vote was laid aside, and therefore they pass'd no further on it, and I think it would have been much more out of Course (as your phrase is) for me to have made a Vote which drop'd through and was superseded by another, a Rule of my proceeding, However I must acquaint you, That it is my Opinion, that my Care for the Defence of the Province either before or after a Vote, may not be said to be out of Course.

W^m. DUMMER.

Voted, That His Honour the Lieut. Governour be desired to dispatch His Orders as soon as possible to the Chief Officer of one of the Troops in the County of Essex, directing him to draw out his Troop and Guard the Inhabitants of Almsbury, Haverhill, Dracut and Dunstable on the East side of Merrimack, to Scout in Parties of Fifteen Men, and at the Expiration of Fourteen days to be relieved by another Troop of that County for the same Time, and so by others 'till the latter End of October, The Troopers to find themselves Subsistence, And that His Honour the Lieut. Governour be further desired to take the like Care and give Orders to the Troops in Middlesex, one at a Time to Guard and Scout about the Towns of Lancaster, Groton and Dunstable on the West of Merrimack-River, and that the Troops of Suffolk be Ordered Alternately to Guard and Secure the Towns of Worcester, Shrewsbury, Liecester, Rutland, and Brookfield, and continue the same Time, And also that the Lieut. Governour be desired to give Orders to the Troops in the County of Hampshire to perform the same Service to the Frontier Towns of that County until the latter End of October, and all Troops to Subsist themselves for the space of the Fourteen days that they continue in the Service. Sent up for Concurrence.

John Wheelwright Esq; brought down the Petition of the Inhabitants of Charlestown on the North side of Mystick-River, as entred the 12th of June last, with the

Report of the Committee thereon, which was not Accepted at the Board, Pass'd in Council, *viz.* In Council *August* 28th. 1723. Read and not Accepted, And

Ordered, That the Inhabitants Lands and Estates belonging to *Charlstown*, and lying and being on the North side of *Mystick-River* to the South-Bounds of *Malden*, and between the Bounds of *Boston* and *Medford* be set off from the Town of *Charlstown*, and annexed to *Malden* as to the Charge of Supporting the Ministry, Meeting-House, Schools and School-Houses, and the priviledge of Voting in all Matters relating to the same. Sent down for Concurrence.

Read and Concurr'd with the Amendments.

Sent up for Concurrence. [44]

Ordered, That *Elisha Cooke*, *John Stoddard*, *William Dudley*, and *John Quincy* Esqrs. with such as the Honourable Board shall appoint be a Committee to have under Consideration any proper Heads to be spoken to the Delegates of the Eight Nations, upon the Conferences to be had with them, The Committee to sit forthwith, and Report thereon as soon as may be, That His Honour the Lieut. Governour be desired to speak to them in the Name of the Court accordingly, and that Mr. Speaker and the Committee be of Advice to His Honour more immediately on any Emergency that may happen on the Conferences.

Sent up for Concurrence.

Ordered, That *Jonathan Remington* Esq; go up to the Honourable Board to Enquire whether the Board have pass'd on the Memorial of Messieurs *Nicholas Sever* and *William Welsteed*, respecting *Harvard-Colledge*.

A Message by Mr. Secretary, *viz.* That His Honour and the Honourable Board had directed him to acquaint the House, that the Board have Non-Concurr'd the Vote of the House respecting *Harvard-Colledge*.

Ordered, That Mr. *Lewis* go up to the Board to desire they would not rise presently, the House being very desirous of an Interview with the Delegates before Noon, who returned, That His Honour said, He had already spoken to the Board to continue sitting in Expectation the Committee would presently make Report respecting the Heads of the Conferences, &c.

An Accompt of *Hezekiah Phelps* of *Westfield*, amounting to *l.14 2s. 3d.* for Charges in Transporting *Alexander Hamilton*, a Captive, to *Boston*, by Order of *John Ashley* Esq; and going Express from *Westfield* to *Albany* and back again.

Read, and Committed to the Committee for Petitions.

An Accompt of Capt. *Ebenezer Pomroy* for his Care and Expence in Conducting the Delegates to *Boston*, and Money lent Mr. *Kellogg*, amounting in the whole to the Sum of *l.11 8s. 11d.*

Read and Committed to the Committee for Petitions.

A Petition of *Thomas Bradbury* a Soldier late in the Service of this Province, praying he may be allowed *l.9 2s.* for so much he paid Dr. *John Perkins* of *York*, for Medicines and Attendance during a Fit of Sickness contracted by an ill habit

of Body while in the Service of this Government, for the Reasons therein mentioned. Read, and Committed to the Committee for Petitions.

Edward Bromfield Esq; brought down the Vote about sending Troopers to Guard on the Western Frontiers, Pass'd in Council, viz. In Council *August 29th. 1723.* Read and Concurr'd with the Amendments, viz. dele, *Parties of Fifteen Men,* and add, *such Parties as His Honour the Lieut. Governour shall judge necessary, and the Troopers to be allowed for their Subsistence as well as for their Service.*

Sent down for Concurrence. Read and Concurr'd.

A Petition of *Elisha Plaisted* Esq; setting forth, that by Order of Mr. Treasurer *Allen,* he supply'd several Soldiers in the Service of this Government at *Berwick* in the Year 1722, amounting to *l.28 11s. 1d.* which he advanced for the Service of the Government, That the House during their Session in *December* last was pleased to stop payment of *l.19 15s. 8d.* praying this Court would please now to take off the said Estople, and allow him the said Sum of *l.19 15s. 8d.* for the Reasons therein mentioned. Read, and Committed to the Committee for Muster-Rolls.

Whereas the Inferiour Court of Common Pleas, &c. appointed by Law to be held at Springfield for the County of Hampshire on the last Tuesday of August Instant was Adjourned by the Justices thereof to the first Tuesday of September next, several of them being Members of the General Court, which is still Sitting. It's therefore,

Resolved, That the said Inferiour Court of Common Pleas and Court of General Sessions of the Peace, be and hereby is further Adjourned until the last *Tuesday of September* next. And to the Intent that no Person Appealing from the said Court, may loose the Benefit of such Appeal at the next Superiour Court of Judicature, &c. to be holden for the County of *Hampshire,* *Resolved,* That the Superiour Court of Judicature, Court of Assize and General Goal Delivery appointed by Law to be held at *Springfield* for the County of *Hampshire* on the Fourth [45] *Tuesday of September* next, shall be and hereby is Adjourned to the Third *Tuesday of October* next. And that the Judges of the said Court then proceed to Hear, Try and Enter up Judgment upon all Actions brought before them by way of Appeal from the Inferiour Court of Common Pleas, and Court of General Sessions of the Peace at their next Session by Adjournment as aforesaid. Any Law, Usage or Custom to the contrary notwithstanding. And that all Actions, Writs and Processes, Recognizances, Appeals, Indictments, Presentments, and other Matters and Things which were depending to be Heard & Tried at the said Inferiour or Superiour Courts, be and hereby are revived and Continued, and shall be heard and pleaded and proceeded on in the aforesaid Courts respectively as fully and in all respects, as if the said Courts had been Held or were to Sit at the several Times appointed by Law for their Session before the making this Resolve. Sent up for Concurrence.

Edward Bromfield Esq; brought down a Petition of *Thomas Bomer* and *Richard*

Morgan of Boston, shewing that they had purchased a Messuage with the Appurtenances in *Boston* aforesaid, of *Francis Miller*, with a Warranty in the said Deed from the said *Francis Miller* to the Petitioners, their Heirs and Assigns for ever quietly and peaceably to Enjoy, Since which has appeared a Deed, Dated *Decemb. 24th. 1674.* from one *Sampson Shore*, who being Seized of the Premises conveyed the same to *Samuel Hudson & Abigail* his Wife for Life, and the Heirs of their two Bodies in Tail, that the said *Samuel Hudson* and *Abigail* his Wife dyed seized of the same, and left behind them Issue, so that the Petitioners will loose the Purchase consideration Money of the Premises, as well as the Disburstments they have expended thereon, unless they can have some relief from this Court, praying that the said Entail may be cut off, or that they may be otherways relieved in the Premises as to this Court shall seem meet, Pass'd in Council, *viz.* In Council *Aug. 29th. 1723.* Read and Ordered, That the Petitioners forthwith serve *Francis Miller* and *Francis Hudson* with a Copy of this Petition that so they may give in their Answer thereto (if they see meet) upon *Thursday* the Fifth of *September* next. Sent down for Concurrence. Read and Non-Concurred, and the Question was put, *Whether the Prayer of the Petition should be Granted?* It pass'd in the Negative.

John Appleton Esq; brought down a Bill Entitled, *An Act to Enable the Justices of His Majesties Superiour Court of Judicature to Chancer a Judgment recovered by Nathaniel and Timothy Halloway against Jared Talbot Esq;* Pass'd in Council *August 29th. 1723.* Read three several Times, and pass'd to be Engross'd.

Sent down for Concurrence.

Read three several Times, and pass'd a Concurrence.

Nathaniel Paine Esq; brought down the Report of the Committee about drawing up proper Heads to be Treated on when the Delegates appeared at the Conferences, which was Accepted by the Board. Sent down for Concurrence.

Read and Concurr'd. And a Message, That the Delegates were presently expected in the Council Chamber.

Mr. Speaker and the House went up to the Council Chamber, and after some short Time the Delegates were Admitted in, and His Honour the Lieut. Governour in the Name of the Court made a particular Answer to the several Articles of their Speech, when last before the Court, which was chiefly previous to the Treaty on the Business for which they were come upon, wherewith they express'd themselves fully satisfy'd, and then withdrew.

Mr. Speaker and the House returned to their own Chamber.

Post Meridiem.

A Message from the Board by *Edward Bromfield* and *Adam Winthrop Esqrs.* that the Board desire the House would re-consider their Vote on the Muster-Roll

of the Honourable *John Wheelwright* Esq; Captain, for that the said *John Wheelwright* had the Leave of the Captain-General to come to Court to make up his Roll as the other Officers had. Read, And the Question was put, *Whether the House would re-consider their Vote pass'd on said Roll?*

It pass'd in the Negative. [46]

Resolved, That the Sum of *Three Pounds* be allowed and paid out of the publick Treasury to Mr. *Joseph Jennings* in full for his going Express towards *Albany* by Order of this Court, as by his Accompt hereto annexed.

Sent up for Concurrence.

An Accompt of *Thomas Rich* for waiting on the Honourable *John Schuyler* Esq; from *Brookfield* to *Boston*. Read. And,

Resolved, That the Sum of *Thirty-five Shillings* be allowed and paid out of the publick Treasury to the Accomptant *Thomas Rich*, in full discharge of this Accompt. Sent up for Concurrence.

An Accompt of Mr. Sheriff *Gookin* for Impressing sundry Horses, and Expences, &c. for the Delegates, by Order of His Honour the Lieutenant Governour.

Read and Committed to the Committee for Petitions.

An Accompt of *William Lawrence* for coming Express from *Groton*.

Read. And,

Resolved, That the Sum of *Fifteen Shillings* be allowed and paid out of the publick Treasury to the said *William Lawrence*, in full for his coming Express as abovesaid.

Sent up for Concurrence.

Samuel Partrigg Esq; brought down the Vote about Adjourning Hampshire Superiour and Inferiour Courts, and Court of Common Pleas. Passed in Council, viz. In Council *August 29th, 1723*. Read and Concurr'd with the Amendments.

Sent down for Concurrence. Read and Concurred.

Then the House Adjourned till to Morrow Morning Nine a-Clock

Veneris Die 30. Augusti, A. D. 1723.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Daniel Pecker*.

Read and Committed to the Committee for Muster-Rolls.

Ordered, That *John Stoddard*, *Elisha Cooke*, and *William Dudley* Esqrs. Capt. *Nowell*, and Mr. *Southworth*, be a Committee to project and prepare a Bill for the better Encouragement and Regulation of the Officers and Soldiers retained in His Majesty's Service, and pay of this Government, in the room of the Act already made, in the Ninth Year of His present Majesty's Reign.

A Petition of *Samuel Willard* of *Lancaster*, praying that an Estople of *l. 8 13s. 4d.* laid on his Wages as Serjeant, to the late *Lancaster* Scout, may be taken off for

the Reasons therein mentioned. Read. And the Question was put,
Whether the Prayer of the Petition should be Granted? It passed in the Negative.

An Indent for sundry Stores wanting at *Fort George*, signed *John Gyles*.

Read.

Ordered, That Mr. Treasurer be directed to lay before the House an Account of the Stores that have been sent to *Fort George* at *Brunswick* for Three Years past, and what Stores there is now in that Fort.

Ordered, That Mr. *Tay* go up with a Message to the Honourable Board to Enquire, what has been pass'd on the Bill for preventing of Abuses in Distilling of Rhum, and other Strong Liquors.

A Message from the Board by *John Appleton* Esq; That the Bill for preventing Abuses in Distilling of Rhum and other Strong Liquors, was Committed to a Committee, That the Board thought the Committee would report on the Bill this Forenoon.

Nathaniel Paine Esq; brought down an Engross'd Bill Entitled, *An Act to Enable the Justices of His Majesties Superiour Court of Judicature to Chancer a Judgment recovered by Nathaniel and Timothy Halloway against Jared Talbot Esq;* Read, And *Resolved*, That the Bill pass to be Enacted.

Paul Dudley Esq; brought down the Petition of Mr. *William White*, as Entred the 14th, pass'd in Council, viz. In Council *August 29th. 1723.*

Read, And [47]

Voted, That a Hearing be had on this Petition before this Court on the Second *Fryday* of the Fall Sessions, and that in the mean time *John Akins* and *Philip Tabor* Assessors for the Town of *Dartmouth* be released from their Imprisonment, they Recognizing before some One of His Majesty's Justices of the Peace for the County of *Bristol* to Attend at the said Hearing, and to abide and perform the final Resolve of this Court on this Petition, or surrender themselves back to the Sheriff of the County of *Bristol*. Sent down for Concurrence.

Read and Non-Concurr'd.

Resolved, That an humble Address be prepared to be presented to His Most Sacred Majesty on such Heads as shall be Agreed on by this Court, and that *William Dudley* Esq; Mr. *Lewis*, *Jonathan Remington*, *John Stoddard*, and *Elisha Cooke* Esqrs. with such as the Honourable Board shall appoint, be a Committee to prepare and Address accordingly. Sent up for Concurrence by Capt. *Cawley*, Mr. *Gerrish*, and Col. *Buckminster*.

Ordered, That Capt. *Throop*, *William Dudley*, *John Quincy*, *Jonathan Remington* Esqrs. and Mr. *Shove*, be a Committee to project some further Method for the Support of the Ministry.

Post Meridiem.

An Accompt of *Daniel Ashley* of *Westfield*, for going on sundry Expresses from *Westfield* to *Albany*, and back to *Boston*, &c. as by said Accompt appears, amounting to *l.13 19s.* Read, and Committed to the Committee for Petitions.

An Accompt of *Benjamin Lawrence* for himself and *Thomas Call Jun.* for Horse-hire from *Charlstown* to *Piscataqua*, and from *Charlstown* to *Dunstable*, for One of the Delegates. Read and Committed to the Committee for Petitions.

Voted, That *Mr. Rolfe*, *Mr. Edward White*, *Mr. Stone*, *Mr. Tay*, and *Mr. Chambers*, be a Committee to prepare a proper Vote for the Establishment of Expresses that may be dispatched in the Service of this Government.

Jonathan Dowse Esq; brought down the Vote of the 24th Currant about the *Turkey-Hill* Inforcement of 4 Men, Pass'd in Council, *viz.* In Council *August 30th. 1723.* Read and Concurr'd with the Amendment.

Sent down for Concurrence.

Read and Non-concurr'd, and the House insist on their own Vote.

Paul Dudley Esq; brought down the Bill Entitled, *An Act for preventing Abuses in Distilling of Rhum and other Strong Liquors with Leaden Heads or Pipes.* Read in Council Three several Times, and pass'd a Concurrence with the Amendments.

Sent down for Concurrence. Read and Concurr'd.

An Accompt of *Col. Stoddard's*, for Expressing a Letter to *Albany* by Order of the General Assembly, &c. Read, and *Resolved*, That the Sum of *Thirty Eight Shillings* be allowed and paid out of the publick Treasury to *John Stoddard Esq;* in full discharge of the within Accompt. Sent up for Concurrence.

A Petition of *Ebenezer Allen*, praying that the Sum of *l.25 10s.* may be allowed him, which was cut off in his former Accompt, as Chyrurgeon to the Forces Eastward, for the Reasons therein mentioned. Read, And the Question was put, *Whether the Prayer of the Petition should be Granted?*

It pass'd in the Negative.

Nathaniel Paine Esq; brought down the Vote about the *Turkey-Hill* Inforcement, Read in Council and Concurr'd with the Amendment.

Sent down for Concurrence. Read and Agreed.

Then the House Adjourned till to Morrow Morning Nine a-Clock. [48]

Sabbati Die 31. Augusti A. D. 1723.

Col. Dudley from the Committee for Muster-Rolls, Reported, *viz.*

ON the Muster-Roll of Capt. *Daniel Pecker*, The Committee having examined the Muster-Roll of Capt. *Daniel Pecker*, find it right Cast and well Vouch'd by his Oath, but Lieut. *Josiah Winslow* born on this Roll, for Five Weeks Service and Three Days, not being any part of that Time, actually in Service,

The Committee are of Opinion, That the Wages carried out to him be deducted out of the Roll and not paid, viz. *l.* 5 8s. 6d. and that *Matthew Bunn*, entred due to him *l.* 4 10s. 6d. *John Kennedy* *l.* 5 5s. 11d. *Samuel Bunn* *l.* 1 15s. 9d. and *John Smith* has entred to him *l.* 2 1s. 4d. and those Men being prick'd run, The Committee are of Opinion that those several Sums be also deducted out of this Muster-Roll. And whereas, *William Cheevers*, *Thomas Browne*, *Joseph Presbury* and *Job Yeahean*, have received the Province Arms, and not returned them, The Committee are of Opinion, that their and each of their Wages be detained in the publick Treasury until they and each of them, have returned in good Condition the Province Arms, by them received, their Wages amounting in the whole, to the Sum of *l.* 44 10s. 8d. And further, the Committee Report, That the Sum of *l.* 6 be deducted and struck out of the Wages said to be due to *Enoch Leonard* he being absent three Months from his Duty, after which Deductions, amounting in the whole to the Sum of *l.* 19 2s. and the said Sum of *l.* 44 10s. 8d. detained as above, The Committee are of Opinion that the Sum of *l.* 465 14s. 6d. the remaining Neet Wages be allowed and paid out of the Publick Treasury to the Officers and Soldiers, to whom the same is respectively due, in full discharge of this Roll. Read and Accepted. And,

Resolved, That the Sum of *Four Hundred Sixty-five Pounds Fourteen Shillings and Six Pence*, be allowed and paid out of the publick Treasury to the said *Daniel Pecker* and to the Officers and Soldiers born on the within Roll, to whom the same is respectively due, according to the above Report.

Sent up for Concurrence.

On the Muster-Roll of *Simon Slocum* Master of the Sloop *Sea-Flower*, The Committee find it right Cast and according to Establishment, and are therefore of Opinion, that the Sum of *l.* 210 3s. 6d. be allowed and paid out of the publick Treasury unto the said *Slocum* and the other Sailors, in full for their Wages and Hire of said Sloop. Read. And,

Resolved, That the Sum of *Two Hundred and Ten Pounds Three Shillings and Six Pence*, be allowed and paid out of the publick Treasury to the said *Simon Slocum* and the Sailors born on the within Muster-Roll, in full discharge of the Wages and Sloop Hire. Sent up for Concurrence.

On the Accompt of *Edmund Mountfort*, as entred the 21st, The Committee are of Opinion, that the Sum of *l.* 53 15s. be allowed and paid out of the publick Treasury unto *Edmund Mountfort* the Accomptant, in full discharge hereof, it being according to Agreement with the said *Mountfort*, after the rate of *l.* 7 per Month. Read and Accepted. And,

Resolved, That the Sum of *Fifty Three Pounds Fifteen Shillings* be allowed and paid out of the publick Treasury to the Accomptant, *Edmund Mountfort*, in full discharge of said Accompt. Sent up for Concurrence.

Edmund Quincy Esq; brought down the Vote about the Address to be prepared

to be Presented to the King, Passed in Council, *August 30th 1723*. Read and Concurred with the Amendment, and Col. *Hutchinson*, Col. *Fitch*, Col. *Winthrop* and Mr. *Belcher* be added on the Affair. Sent down for Concurrence.

Read and Non-concurred, and the House insist on their own Vote.

Mr. *Cooke* from the Committee for Petitions, Reported, *viz.* On the Petition of *Thomas Ingersole* as entered the 27th Instant, The Committee are of Opinion, that the Petition be dismiss'd. The Petitioner being Enabled by Law to have detained them till they had discharged their Fees.

Read and Accepted. And,

Voted, That the Petition be Dismiss'd. [49]

On the Accompt of *Daniel Ashley* of *Westfield*, The Committee having examined the within Accompt, are of Opinion that the Article of *Eight Pounds* be reduced to *Five Pounds Four Shillings*, and that of *Four Pounds* to *Three Pounds Four Shillings*, That therefore the Sum of *l.10 7s.* only, be allowed and paid out of the Publick Treasury to the Accomptant *Daniel Ashley* in full Discharge of the within Accompt. Read and Accepted. And, *Resolved*, That the Sum of *Ten Pounds Seven Shillings*, be allowed and paid out of the publick Treasury to the Accomptant *Daniel Ashley*, in full discharge of said Accompt.

Sent up for Concurrence.

On the Accompt of *Benjamin Lawrence*, The Committee are of Opinion, That the Sum of *37s.* be allowed and paid out of the publick Treasury to the Accomptant *Benjamin Lawrence* in full discharge of this Accompt. Read and Accepted, and *Resolved*, That the Sum of *One Pound Seventeen Shillings* be allowed and paid out of the publick Treasury to the Accomptant *Benjamin Lawrence* for himself and *Thomas Call Jun.* in full Discharge of the within Accompt.

Sent up for Concurrence.

On the Petition of *David Melvill* as Entred the 22d. Currant, The Committee having considered the above Petition are of Opinion, That the Sum of *l.15* be allowed and paid out of the publick Treasury to the Petitioner in full for keeping the two Persons mentioned in said Petition to the 22d Instant. Read and Accepted, and *Resolved*, That the Sum of *Fifteen Pounds* be allowed and paid out of the publick Treasury to the Petitioner *David Melvill*, in full Satisfaction of his Accompt, &c. agreeable to the above Report. Sent up for Concurrence.

On the Accompt of Lieut. *Joseph Kellogg*, The Committee having Examined the above Accompt, find it right Cast, Mr. *Joseph Jennings* certifying the Committee that he was present when the several Sums above-mentioned were expended, and see the Accomptant *Joseph Kellogg* discharge the same, The Committee are therefore of Opinion that the Sum of *l.41 4s. 1d.* be allowed and paid out of the publick Treasury to the Accomptant *Joseph Kellogg* in full discharge of the above Accompt. Read and Accepted, and *Resolved*, That the Sum of *Forty One Pounds Four Shillings & One Penny* be allowed and paid out of the

publick Treasury to the Accomptant *Joseph Kellogg*, in full Discharge of the above Accompt. Sent up for Concurrence.

On the Petition of *Thomas Bradbury* as Entred the 29th. The Committee are of Opinion that the Petition be dismiss'd. Read and Accepted, and *Voted*, That the Petition be dismiss'd.

On the Petition of *Solomon Steward*, *Richard Jaques* and *Samuel Sanders*, The Committee are of Opinion that the Petitioners ought not to stand charged with any Loan of the Province Arms, and that when they are discharged the Service, they be allowed and paid out of the publick Treasury the Sum of *Forty Shillings* each Man for the loss of their Guns, and upon their returning the Province Arms now in their Improvement. Read and Accepted, and *Resolved*, That the Petitioners be Exempted from paying any thing for the Use of the Province Arms during their being in the Service, and that when they are discharged from the Service, and upon their delivering the Province Arms now in their Improvement, they and each of them be allowed 40s. and that the Treasurer be directed to pay the same out of the publick Treasury accordingly.

Sent up for Concurrence.

On the Petition of *Alexander Hamilton* as Entred the 21st. The Committee having considered the within Petition are humbly of Opinion, that the Sum of *l.15 13s. 4d.* be allowed and paid out of the publick Treasury to Col. *John Schuyler* to reimburse him what he advanc'd and paid for the Petitioner *Hamilton* coming from *Canada*, his stay at *Albany*, and other Charges, with the Common Exchange of Money. Read and Accepted, and *Resolved*, That the Sum of *Fifteen Pounds Thirteen Shillings & Four Pence*, be allowed and paid out of the publick Treasury to the Honourable *John Schuyler Esq;* in full for so much Supply'd and Advanc'd to the Petitioner *Hamilton*, for his Expences in returning from *Canada* to *Albany* and *New England*, the Exchange of the Money included.

Sent up for Concurrence. [50]

On the Accompt of *Ebenezer Pomroy* as Entred the 29th. The Committee are of Opinion that the Sum of 30s. be allowed to the Accomptant *Ebenezer Pomroy*, and the like Sum for the Two Men, with *Eight Shillings & Eleven Pence* Ferrage, and that the Article of *l.11* advanc'd to Mr. *Kellogg* is not a proper Charge on the Province, That therefore the Sum of *l.3 8s. 11d.* and no more, be allowed and paid out of the publick Treasury to the Accomptant *Ebenezer Pomroy*. Read, and Accepted, and *Resolved*, That the Sum of *Three Pounds Eight Shillings and Eleven Pence* be allowed and paid out of the publick Treasury to Capt. *Ebenezer Pomroy*, in full discharge of the within Accompt, agreeable to the above Report.

Sent up for Concurrence.

On the Accompt of *Hezekiah Phelps*, as entred the 29th Currant, which Report was not Accepted. But,

Resolved, That the Sum of *Five Pounds Ten Shillings* for the Accomptants

going to *Albany*, and back again to *Boston*, his Expences, Horse-Hire, &c. And the further Sum of *Three Pounds* for his Expences and Horse-hire for himself and *Alexander Hamilton* by order of *John Ashley Esq*; making in the Whole the Sum of *Eight Pounds Ten Shillings* be allowed and paid out of the publick Treasury, to the Accomptant *Hezekiah Phelps*, in full discharge of the within Accompt.

Sent up for Concurrence.

An Accompt of *Luke Noble* of *Westfield*, amounting to 11s. for Shoeing Two Horses for Col. *John Schuyler*, which were in the Service of this Province.

Read. And,

Resolved, That the Sum of *Eleven Shillings* be allowed and paid out of the publick Treasury to the Accomptant *Luke Noble* in full discharge of this Accompt.

Sent up for Concurrence.

An Accompt of Col. *Henry Somerby* of *Newbury*, for Freight of sundry Province Stores, Mr. Treasurer sent to *Haverhill*, which the said *Somerby* paid the Freight of, and a Journey from *Newbury* to *Boston*, and to *Haverhill*, to deliver out said Stores. Read. And,

Resolved, That the Sum of *Thirty Shillings*, be allowed and paid out of the publick Treasury to Col. *Henry Somerby* in full discharge of the said Accompt.

Sent up for Concurrence.

A Memorial of *Joseph Heath*, praying that an Estople of *l.22 10s.* laid on his Muster-Roll, which was presented for Payment in the *November* Session, on account of sundry Slops, supply'd some of his Men, who afterwards deserted His Majesty's Service, may be taken off for the Reasons therein mentioned.

Read and Committed to the Committee for Petitions.

John Wheelwright Esq; brought down an Engross'd Bill Entitled, *An Act for preventing Abuses in distilling of Rhum and other Strong Liquors, with Leaden Heads or Pipes.* Read. And,

Resolved, That the Bill do pass to be Enacted.

A Message by *Thomas Fitch Esq*; That Two of the Delegates were now in the Council Chamber, and that they informed, that the *whole Tribes* thought they should this Day come to some Conclusion on the Business for which they were come into this Government upon, which His Honour thought proper to intimate to the House, that as many of the Members as could well get together on Monday, might be then present when the Delegates proposed to appear in the Council Chamber.

Then the House Adjourn'd 'till Monday next Three of the Clock in the Afternoon.

VOTES

Of the House of Representatives.

Luna Die 2. Septembris, A, D. 1723.

A Message from His Honour by Mr. Secretary, That the Delegates are immediately expected in the Council Chamber, that the House would be present at the Treaty if they pleased.

Mr. Speaker and the House went up, and afterwards the Delegates were received into the Council Chamber, and being placed in the Seats prepared for them, One of their Chiefs spoke in behalf of the Delegates of the Whole Nations very largely, and laid down severally their Belts as He spoke, in the Name and behalf of the Eight Tribes, His Honour in the Name of the Court acquainted them, That the Expressions of their sincere Friendship and renewing the Covenant-Chain with us, was very acceptable in the way they had perform'd it, and that they might expect an Answer to the several Articles and Heads they had spoken upon, in a few days. The Delegates having finished their Speech at this Interview, withdrew.

Mr. Speaker and the House then returned to their own Chamber.

Then the House Adjourned till to Morrow Morning Ten a-Clock.

Martis Die 3. Septembris, A, D. 1723.

N Athaniel Norden Esq; brought down the Petition of *Solomon Steward, Richard Jaques and Samuel Sanders*, Pass'd in Council, viz. In Council September 3d. 1723. Read and Concurr'd, Provided, *That it appears that the Arms lost were the Mens own Arms.* Sent down for Concurrence.

Read and Concurr'd.

A Petition of *Jacob Collins* of *Lynn*, shewing that he was Summoned in *December* last to give Evidence respecting the Complaints brought against *Major Moody*, and heard before the General Court, and for his said Service the House pass'd a Vote for Payment of 3*ls.* which the Honourable Board Non-Concurr'd, Praying he may be now allowed the said Sum of 3*ls.* for his aforesaid Service for the reasons mentioned in his Petition. Read, And

Resolved, That the Sum of *Thirty One Shillings* be allowed and paid out of the publick Treasury to *Jacob Collins* the Petitioner in full for the Service mentioned in the Petition. Sent up for Concurrence. [52]

Resolved, That the Guns, Hatchets and Kettles belonging to the Delegates be repaired at the Charge of the Province. Sent up for Concurrence.

Penn Townsend and *John Cushing* Esq; brought down a Memorial of several

of the Subaltern Officers and Soldiers of His Majesties Garrison at Castle *William*, praying that this Court would Order a New Establishment for that Garrison for the Reasons mentioned in the Memorial. Read.

Ordered, That Capt. *Throop* and Capt. *Nowell* go up to the Honourable Board to Enquire if the Board have pass'd on the Vote of this House as to a New Enlistment and Establishment of the Garrison at Castle *William*.

Post Meridiem.

A Petition of *Jane Edgar* Wife of *Henry Edgar*, and *Margaret Watt* Wife of *James Watt*, shewing that both their Husbands are now in Captivity, being taken by the Indian Enemy, and the Petitioners have also Seven of their Children in Captivity taken by the said Enemy Indians, That there is an Indian Woman named *Elizabeth* with her Children now in the Hands of this Government, praying this Court would please to direct that their Husbands and Children may be Redeemed and Exchanged for the said *Elizabeth* and her Children, for the Reasons therein mentioned. Read, and Committed to the Committee for Petitions.

A Petition of the Town of *Weston*, setting forth, that as they conceive they are Taxed more than what this Court intended when the Tax was Granted for this present Year, Praying that the Sum of *Ten Pounds* may be remitted of their Tax for the Reasons therein mentioned. Read, and the following Vote pass'd,

Whereas it appears that the Town of Weston has Ten Pounds added to their Tax this present Year more than their Proportion of what was really agreed on by this Court when the Tax was raised,

Resolved, That the Treasurer be and hereby is directed to Grant out his Warrant to the Town of *Weston* for the raising a Tax on the Polls and Estates therein for the Sum of *Thirty Eight Pounds Nine Shillings and Four Pence half-penny*, and no more, The aforesaid Tax Act or any other Usage or Custom to the contrary notwithstanding. Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a-Clock

Mercurij Die 4. Septembris A. D. 1723.

P*ENN Townsend* and *Spencer Phipps* Esqrs. brought down the Vote about a New Enlistment and Establishment at His Majesties Garrison at Castle *William*, Pass'd in Council viz. In Council *September 3d. 1723.* Read and [53] Non-Concurr'd, And *Resolved*, That this Board do Adhere to their Amendments.

Sent down for Concurrence.

The Amendments of the Board are, dele, *Warrant*, in two places, dele *to dismiss the said John Grey*, and add, *Severely to Admonish and Reprimand the said John Grey, and to acquaint him that unless he faithfully attend and perform the Service*

of the Garrison for the future according to the Duty of his Post He shall hold himself Obligated to dismiss him, dele and upon his Removal, &c. and between the Words *Sui Juris* and shall — add *Excepting a white Servant of the Lieutenants*, dele from — as by the Establishment of that Garrison — add — according to such Establishment as shall be made by this Court at their present Session.

Read and Non-concurr'd, And

Resolved, That the House Adhere to their own Vote.

A Petition of Mr. *Edward Shove* Representative of the Town of *Dighton*, praying that the Vote of this House pass'd the 14th. of *June* last on the Petition of said Town as Entred the *Eighth* of the said Month of *June*, may be re-considered for the Reasons therein mentioned. Read. As also the aforesaid Petition of the Town of *Dighton*, and the said Vote thereon: And after some Debate, The Question was put, *Whether the House would re-consider that Vote?*

Resolved in the Affirmative. And in Answer to this Petition,

Ordered, That a Hearing be had on this Petition before this Court on the Second Wednesday of the next Session, and that the Petitioners in the mean time serve *William Salisbury* in behalf of himself and Others who stile themselves Owners of a piece or parcel of Land called the *Gore* or *Out-let*, which is percel of a Tract of Land commonly called *Shewawmett-Purchase*, as by their Petition presented to this Court, bearing date *March 15th. 1720.* appears, also the Proprietors Clerk of *Shewawmett* with a Copy of this Petition, That they may then set forth their Reasons, why the Prayer thereof should not be Granted, And that all process touching the Title or Property of the premises be suspended 'till the further Order of this Court, and that in the mean time no Strip or Waste shall be made on the premises by either Parties. Sent up for Concurrence.

Post Meridiem.

A Petition of *Jonas Clarke* of *Boston* Brazier, shewing that he has lately had a Negro Girl Imported from *Jamaica* in the Ship *Queen-Elizabeth* Capt. *George Beal* Commander, who by a Fall is likely to become a Cripple, and of no Service to the Petitioner, praying that the Duty of *Four Pounds* for Importation of said Negro may be taken off for the Reasons therein mentioned. Read, And

Resolved, That the prayer of the Petition be Granted.

Sent up for Concurrence.

A Petition of *Roger Stevens* of *Almsbury*, praying that he may be allowed to have Two Soldiers posted at his Garrison, as he is in the Frontier Garrison in that Town, Recommended by the Field Officers, &c. of the Regiment to which *Almsbury* belongs. Read, And the Question was put, *Whether the prayer of the Petition should be Granted?* It pass'd in the Negative. [54]

A Petition of *Nathaniel Marsters* of *Manchester*, praying for some Allowance

for his Shallop and Six Men Impressed in His Majesties Service, by Order of His Honour and the Council, by Capt. *Thomas Durell* of His Majesties Ship Sea-Horse, with a Certificate from the said Capt. *Durell*.

Read and Committed to the Committee for Petitions.

It being Manifest to this House, That it is not for the Service of the Crown, nor Safety and Security of the Province that Capt. John Grey be any longer continued in his Post at His Majesties Garrison at Castle William,

Voted, That His Honour the Lieutenant Governour be desired to dismiss him from his Trust there. Sent up for Concurrence by Mr. *Nowell*.

An Accompt of the Committee appointed for Inspecting and Effecting the Repairs of His Majesties Garrison at Castle *William*, amounting to *l.287 13s. 5d.* with an Accompt of some outstanding Dues to sundry People for Gun-Carriages, &c. Read, and Committed to the Committee for Petitions.

Capt. *Throop* from the Committee appointed to project some further Method for the Support of the Ministry, Reported, That they had according to Order, prepar'd a Bill, which was Read.

A Bill Entitled, *An Act for the Ease of the People called Quakers, and Others Dissenting from the Churches Established by the Good and Wholsome Laws of the Province.* Read a First Time.

Resolved, That this House to Morrow Morning will Enter into the Consideration for the more Effectual Prosecution of the War against the Eastern Indians.

Then the House Adjourn'd till to Morrow Morning Nine a-Clock.

VOTES

Of the House of Representatives.

Jovis Die 5. Septembris A. D. 1723.

A Petition of *Hannah Kibby* Relict Widow of *Jonathan Kibby* deceas'd, shewing that her late Husband was drown'd in a Whale-Boat with Capt. *George Carlile*, That he left behind due to him for his Wages some Sums of Money, part of which is in the hands of Capt. *John Shipley*, and part is due from the Province, The Petitioner being left in distressing Circumstances, praying she may be allowed to receive the Wages due to her late Husband in such way and manner as this Court shall please to Order. Read, and in Answer to this Petition,

Voted, That Mr. Treasurer be directed to pay to the Petitioner what Money shall appear to be due to her late Husband *Jonathan Kibby* for his Wages in the Service of this Province on any Roll that may be presented for Payment, And also that Capt. *Shipley* be directed to pay her what Money he has in his hands due to her said Husband while under his Command. Sent up for Concurrence.

A Petition of *Thomas Cobb* a Soldier in the Service of this Province in the Company under the particular Command of Col. *Westbrook*, shewing that he had contracted the Distemper prevailing in the Army, which he labour'd under for Five Months, and has Expended the Sum of *l.6 10s.* in Nursing, Lodging, &c. praying for Relief in the Premises. Read, and Committed to the Committee for Petitions.

A Petition of *William Rutter* of *Mendon* Jun. late a Soldier in the Service of this Government at *Richmond*, under the Command of Capt. *Joseph Heath*, shewing that in the Month of *March* he received Two Wounds from the Eastern Indians, one through his right hand, and another through his right side, that he is in danger wholly of losing the use of his right Hand, and rendred incapable for providing for himself and Family, praying that as he is incapacitated to Support himself, the misfortune falling on him while in the Service of the Province, this Court would take into their compassionate Consideration the distressed Circumstances of the Petitioner, and grant him such relief as in their Wisdom shall seem meet. Read, and Committed to the Committee for Petitions.

Samuel Thaxter Esq; brought down the Report of the Committee of both Houses which contained several Heads and Articles proposed to be spoken to the Delegates in Answer to their last Speech, pass'd in Council, *viz.* Read and Accepted with the Amendments. Sent down for Concurrence.

Read, and the House Concur the Amendments A, B, C, and D, The House Non-Concur the Amendment E, The 7th Article Concurr'd with an Amendment.

Sent up for Concurrence.

Post Meridiem.

Ordered, That *Joseph White* and *Elisha Plaisted* Esqrs. go up with a Message to His Honour, to desire His Honour would lay before the House an Account of the Disposition of the Forces Eastward.

A Memorial of Mr. *Josiah Winslow*, praying he may be allowed to receive from *Arthur Lows* Wages (a Deserter from His Majesty's Service Eastward) which is now stop'd in the Treasury, the value of sundry Slops and Stores he supply'd the said *Low* before he deserted, for the reasons therein mentioned. Read, And the Question was put, *Whether the Prayer of the Petition should be Granted?*

It pass'd in the Negative. [56]

John Cushing Esq; brought down the Petition of *William Woodward*, pass'd on the 9th. of *August* last, Pass'd in Council, viz. In Council *September 5th. 1723.* Read and Concurr'd with the Amendments, viz. dele *l.12 10s.* and add, *Eight Pounds*, dele from *his Natural Life*, &c. and add, *the pleasure of this Court.*

Sent down for Concurrence. Read and Concurr'd.

Ordered, That *William Bryant* Esq; go up to the Honourable Board to Enquire if they have pass'd on the Vote Sent up last Night respecting Capt. *John Grey*, who returned, That His Honour said the Vote lay upon the Board under Consideration.

Then the House Adjourned till to Morrow Morning Nine a-Clock.

Veneris 6. Die Septembris, A, D. 1723.

A Message from His Honour by Mr. Secretary, with an Account of the disposition of the Forces Eastward, Sign'd by Col. *Thomas Westbrook.*

Resolved, That it is not for the Security or Service of the Province to Support the *Block-House* at *Georges-River*, and that no further Pay or Subsistance be allowed to the Men that are Posted there. Sent up for Concurrence.

Ordered, That Capt. *White*, Capt. *Cawley*, Capt. *Throop*, Capt. *Chambers*, & Capt. *Nowell*, be a Committee to consider of what Forces they judge may be necessary for the Security and Defence of the Inhabitants and Garrisons in the County of *York*, and Report thereon as soon as may be.

John Appleton Esq; brought down the Report of the Committee appointed to draw proper Heads to be spoken to the Delegates, pass'd in Council, viz. In Council *September 6th. 1723,* Read, and Voted with the New Amendments.

Sent down for Concurrence.

Read, and Concurr'd with the Amendments.

Sent up for Concurrence.

Mr. *Remington* from the Committee for Muster-Rolls, Reported, viz. On the Petition of *Elisha Plaisted* as Entred the 29th. of *August*, The Committee are of

Opinion, That the Sum of *l. 19 15s. 8d.* stop'd in the Treasury *December 1722.* on Col. *Wheelwright's* Muster-Roll be paid to Mr. *Elisha Plaisted*, it appearing from his Accompt that the several Persons supply'd by him was for necessary Cloathing, and Mr. Treasurer *Allen* certifying that it was done by his Order.

Read, and Accepted. And

Resolved, That Mr. Treasurer *Allen* be directed to make good and allow the Petitioner in making up and Setling his Accompt of Slops, &c. with him, the Sum of *Nineteen Pounds, Fifteen Shillings and Eight Pence* for the like Value delivered the Soldiers for the Service of the Province, as set forth in the Petition.

Sent up for Concurrence.

On the Petition of Lieut. *George Allen*, as Entred the 15th. of *August*, Read, and Voted a Non-Acceptance of the Report.

Mr. *Cooke* from the Committee for that Service appointed, prepared and presented a Bill, Entitled, *An Act for the better Regulation of the Officers and Soldiers retained in His Majesty's Service and Pay of this Government.*

Read a First Time.

Voted, That a Message go up to His Honour and the Honourable Board, to desire that if any Ceremony is Expected from the Delegates after the Interview to be had with them after noon, that it might be done this Day, and before the whole Court.

Post Meridiem.

A Bill Entitled, *An Act for the Ease of People called Quakers, and Others dissenting from the Churches Established by the Good and Wholesome Laws of the Province.*

Read a Second Time. [57]

A Message from His Honour by Mr. Secretary, That His Honour expects the House to attend at the Council Chamber at the Treaty to be had with the Delegates this Afternoon, Mr. Speaker and the House went up, and after some small space, The Delegates were received, and having placed themselves in the Seats prepared for them, His Honour in the Name of the Court made a Speech to them, which was in Answer to the several Articles and Heads the Delegates spoke upon when the last Interview was had with them. After His Honour had spoken in Answer to the First Article of their Speech, a handsome Silver Plate whereon a *Turtle* was at large Engraved was presented to them; On the Answer to the Second Article of their Speech, a Silver Plate with a *Heart* thereon Engraved was presented; To the Third Article the like Plate with the *Sun* Engraved thereon was presented; To the Fourth Article the like Plate with a large *Tree* Engraved thereon was presented; To the Fifth Article the like Plate with a *Bear* Engraved thereon was presented; To the Sixth Article a *Hatchet* Engraved on the like Plate was presented to them; To the Seventh Article the like Plate with a *Sloop* En-

graved thereon was presented to them; To the Eighth Article the like Plate with a *Wolfe* Engraved thereon was presented to them. After His Honour had finished the Speech the Delegates withdrew.

Mr. Speaker with the House returned to their own Chamber.
Then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Sabbati Die 7. Septembris A. D. 1723.

W *Hereas the Court of General Session of the Peace and Inferiour Court of Common Pleas for the County of Middlesex have by this Court in their present Session been Adjourned to the Second Tuesday of this Instant September, and several Members of this Court being Justices of the said Court of General Sessions of the Peace and Inferiour Court of Common Pleas, and others, are there concerned, and the General Court is still Sitting.*

Resolved, That in Consideration of the present Sitting of the General Court, the said Court of General Session of the Peace and Inferiour Court of Common Pleas be and hereby are further Adjourned to the Second Tuesday of *October* next. Any Law Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

John Appleton Esq; brought down the Vote about the *Block-House* at *George's-River*, and Men Posted there, Pass'd in Council, *viz.* In Council *Septemb. 7th. 1723.* Read and Non-Concurr'd, and Voted, That His Honour the Lieut. Governour be desired to reduce the Garrison at the *Block-House* at *St. George's-River* to a Serjeant and Twelve Men. Sent down for Concurrence.

Read, and Unanimously Non-Concurr'd, and the House insist on their own Vote.

Ordered, That a Message go up to the Honourable Board by Capt. *Osgood*, to know if the Board have pass'd on the Vote of the House Sent up Wednesday last respecting Capt. *John Grey*, who returned, that His Honour said, that it was now under Consideration.

Ordered, That Mr. *Wainwright* be added to the Committee appointed to consider what Number of Forces may be necessary for the Security and Defence of the Inhabitants and Garrisons in the County of *York* in the room of Capt. *White*, who has obtained Leave to go home.

Voted, That a draft of a pressing Letter or Letters be prepared in the Name of this Court to be sent to the Neighbouring Governments of *New-York*, *Connecticut*, and *Rhode-Island*, to desire their Assistance in Prosecuting the War against the Indian Enemy, and that *Jonathan Remington* and *John Stoddard* Esqrs. and Mr. *Lewis*, with such as the Honourable Board shall appoint be a Committee to prepare the same. Sent up for Concurrence. [58]

John Cushing and *John Wheelwright* Esqrs. brought down the following Vote

of Council, viz. In Council *Septemb. 7th. 1723. Whereas some rude and Insolent People taking the Advantage of the Night for their Concealment, yesterday in the Evening offered several Abuses and Indignities to the Delegates of the Eight Nations, by casting Stones among them, and otherwise evilly entreating them,* Ordered, That *Samuel Sewall, Penn Townsend, and Samuel Thaxter Esqrs.* be a Committee to joyn with such as the Honourable House of Representatives shall appoint, to consider what is proper to be done herein, The Committee to meet forthwith.

Sent down for Concurrence.

Read and Concurr'd, and Ordered, That *Mr. Tay, Mr. Throop, Mr. Fairbanks and Col. Bond* be joined in the Affair.

An Accompt of *Mr. Jonathan Pierpont* Chaplain to the Forces Eastward, Amounting to *l.49 10s.* for his Service, at *30s.* per Week.

Read and Committed to the Committee for Petitions.

Ordered, That *Col. Stoddard, Mr. Lewis, Mr. Edward White and Col. Bond,* with such as the Honourable Board shall appoint, be a Committee to take under Consideration what further PRESENT may be thought proper for this Government to make to the *Delegates* of the Eight Nations, during their stay in this Government, and make Report thereon, as soon as may be.

Sent up for Concurrence.

A Message from the Board by *Spencer Phipps Esq;* That they desire the House would not presently Rise, for that a Message would soon be sent down.

Resolved, That the Committee appointed the 20th. of *June,* to take under Consideration the Trustees and Commissioners Accompts of the *l.50,000* and *l.100,000* Loans, be further Appointed and Impowred to take under Consideration the Accompts of the said Trustees and Commissioners which have or shall be presented for Allowance, to sit in the Recess of the Court, and Report what they think proper for this Court to pass thereon at the next Session.

A Message from the Board by *Penn Townsend and John Wheelwright Esqrs;* viz. In Council *September 7th. 1723.* The Board have Sent down to inform the Honourable House that their Vote relating to *Capt. John Grey* is not agreed to by the Board, for this reason chiefly, for that it runs in such Terms as tends not only to his present Dismission, but to disable him from serving His Majesty either here or elsewhere for the future, which they look upon as too great a Severity towards him, and therefore the Board propose, the House would abate those Words (*of the Crown, nor Safety and Security*) upon which His Honour has inform'd the Board He will dismiss him.

Then the House Adjourn'd 'till Monday next Three of the Clock in the Afternoon.

VOTES

Of the House of Representatives.

Lunæ Die 9 Septembris A. D. 1723.

AN Accompt of Dr. *Edward Ellis* for himself and Assistant's Attendance and Service to the Forces Eastward, under the Command of Col. *Thomas Westbrook*, Amounting to the Sum of *l.122 10s.* Read, and Committed to the Committee for Petitions.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

Martis Die 10. Septembris A. D. 1723.

MR. *Cooke* from the Committee for Petitions, Reported, viz. On the Memorial of *Joseph Heath*, as Entred the 31st. ult. The Committee being well Certified that he did supply the several Men returned Deserters with the Sum of *l.22 10s.* out of the Publick Stores, and there being since the Allowance of Mr. *Gooch's* Accompt, but *l.15 16. 11d.* in the Treasury stop'd on their Accompt, The Committee are of Opinion, that the said Sum of *l.15 16s. 11d.* be allowed and paid out of the Publick Treasury to the said *Joseph Heath* accordingly.

Read, Accepted, And Resolved, That the Sum of *Fifteen Pounds Sixteen Shillings & Eleven Pence* be allowed and paid out of the Publick Treasury to Capt. *Joseph Heath*, agreable to the above Report.

Sent up for Concurrence.

On the Accompt of *David Melvil* for keeping Nine Indian Prisoners from the 22d of *June* to the 20th of *August* last, The Committee are of Opinion, that the Sum of *l.27* be allowed and paid out of the publick Treasury to the Accomptant *David Melvil* in full Discharge of the above Accompt. Read, Accepted, And

Resolved, That the Sum of *Twenty Seven Pounds* be allowed and paid out of the publick Treasury to the Accomptant *David Melvil* in full discharge of said Accompt. Sent up for Concurrence.

On the Accompt of Mr. *Jonathan Pierpont*, as Entred the 7th. Currant, The Committee are of Opinion, that the Sum of *l.49 10s.* be allowed and paid out of the publick Treasury to the Accomptant *Jonathan Pierpont*, in full of this Accompt.

Read, and Accepted, and Resolved, That the Sum of *Forty Nine Pounds Ten Shillings*, be allowed and paid out of the publick Treasury to Mr. *Jonathan Pierpont* in full discharge of said Accompt. Sent up for Concurrence.

On the Petition of *Joseph Hill Esq;* and sundry others, as Entred the 27th.

August, The Committee having examin'd Mr. Treasurer's Accompts, cannot find any Soldiers in the Service of the Province *Anno 1718*. and the Petitioners having no proof of the Allegation in the Petition, The Committee are of Opinion that the same be dismiss'd. Read and Accepted, And

Voted, That the Petition be dismiss'd.

On the Petition of *Jane Edgar* and *Margarett Watt* as entred the 3d. *September*, The Committee are of Opinion, that the Petition be dismiss'd. Read & Accepted, And *Voted*, That the Petition be dismiss'd.

On the Petition of *Thomas Cobb* as entred the 5th. Currant, The Committee are of Opinion, That the Petition be dismiss'd. Read and Accepted,

And *Voted*, That the Petition be dismiss'd. [60]

Ordered, That Mr. *Lewis*, Capt. *Easterbrook* and Capt. *Nowell* go up with a Message to His Honour the Lieut. Governour, desiring him to draw off the *Twenty Five* Men and Officer from the House built at *St. George's-River*, who were Posted there by a Vote of the whole Court in their Session in *August 1722*, and were not to be continued any longer than the Session of this Court in *May* last, and also desire of the Lieut. Governour that the said Men may be employed elsewhere in the Service of this Government in the Eastward parts.

An Accompt of *Samuel Moodey*, Chyrurgeon to the Forces Eastward, 19 Weeks, at 40s. per Week.

Read and Committed to the Committee for Petitions.

A Muster-Roll of the Company in His Majesty's Service late under the Command of Capt. *George Carlile* deceas'd. Sign'd *Ludo Mth. Gowen*. And

A Muster Roll of the Company in His Majesty's Service at *St. George's-River*. Sign'd *James Armstrong*.

Read, and Committed to the Committee for Muster-Rolls.

Resolved, That the Delegates be Entertained to Morrow at His Majesty's Garrison at Castle *William*, at the Charge of the Province.

Post Meridiem.

An Accompt of Mr. Sheriff *Winslow* for Charges, &c. in Transporting the two *Chapins* from *Boston* to *Rhode-Island*.

Read, and Committed to the Committee for Petitions.

A Message from the Board by *Thomas Fitch* and *Samuel Thaxter* Esqrs. that there is nothing of Business now lying before them, that they desire the Matters and Things respecting the Delegates before the House, may be Expedited, that so they may be in a readiness to go home as soon as may be.

Penn Townsend Esq; brought down the Accompt of *Hezekiahs Phelps* sent up the 31st. ult. With a Memorial of the said *Phelps*, praying this Court would grant him some further Allowance than what has been already made for him his

Service as aforesaid, Pass'd in Council, viz. In Council *September 10th. 1723.* Read, and Sent down Recommended. Read, and the Question was put,

Whether the House would Re-consider their Vote on Mr. Phelps's Accompt?

It pass'd in the Negative.

Jonathan Dowse Esq; brought down the Vote about Entertaining the Delegates to Morrow at Castle *William*, Pass'd in Council, viz. Read and Concurr'd, and Voted, that His Honour be desired to give his Orders accordingly.

Sent down for Concurrence. Read and Concurr'd. With a Message that the Delegates propose to wait on the Court to Morrow Morning.

Mr. *Cooke* from the Committee for Petitions Reported, On the Accompt of Mr. Sheriff *Winslow* for carrying the two *Chapins* to *Rhode-Island*, The Committee having examined and considered the several Articles of the within Accompt are of Opinion, that the same are just and reasonable, that therefore the Sum of *l.21 19s. 2d.* be allowed and paid out of the publick Treasury to the Accomptant *Edward Winslow* Esq; in full of the within Accompt. Read, Accepted, And

Resolved, That the Sum of *Twenty One Pounds Nineteen Shillings & Two Pence* be allowed and paid out of the publick Treasury to *Edward Winslow* Esq; in full discharge of the within Accompt. Sent up for Concurrence.

A Petition of *Joseph Kellogg*, praying for some Consideration for his Services to this Province, as particularly set forth in the Petition.

Read, and Committed to the Committee for Petitions.

Penn Townsend Esq; brought down the Report of the Committee of both Houses about a *Present* to be made to the Delegates of the Eight Nations, Pass'd in Council, viz. In Council *Septemb. 10th. 1723.* Read, and Ordered, That this Report be Accepted. Sent down for Concurrence.

A Bill Entitled, *An Act for the better Regulation of the Officers and Soldiers retained in His Majesties Service and Pay of this Government.* Read a 2d. Time.

Mr. *Cooke* from the Committee for Petitions Reported, On the Accompt of the Commissioners that went to *Albany*, Sign'd *Wm. Tailer*, The Committee when Examining the within Accompt in order for Payment, being informed that Mr. Treasurer *Allen* had paid the *Three Hundred Ninety Seven Pounds Fifteen Shillings [61] and Seven Pence half-penny*, the ballance of said Accompt, and upon Enquiring of the Treasurer we find that pursuant to an Order of the Lieut. Governour and Council of the *20th. of August* last during the present Session, and several days after this Accompt was committed to the Committee, the whole Accompt was discharged, We are therefore humbly of Opinion, That it is to no purpose for the Committee to concern themselves in Auditing, Examining or further Enquiring into the same: But are further of Opinion, That the Ordering Payment of this Accompt in such a manner is very inconvenient, and intirely breaks in upon and defeats the good and wholesome Rules and Directions prescribed in the last Resolve of this Court for Supplying the Treasury. We take leave also to

observe to the House, that the Sum of *Three Hundred Thirty Three Pounds* was drawn out of the publick Treasury to make up *Fifteen Hundred Pounds* Present, designed for the Indian Tribes, but that *One Hundred Thirty Three Pounds* only of that Sum hath been Expended by the Commissioners, the other *Two Hundred Pounds* remains in their Hands not yet Accompted for, as Mr. Treasurer *Allen* informs. *Elisha Cooke*, by Order of the Committee.

Read and Accepted.

Ordered, That *John Quincey Esq*; go up to the Honourable Board to desire they would inform the House to what Time they intend to Adjourn to Morrow Morning.

A Message from the Board by *Adam Winthrop Esq*; that the Board intend to Adjourn to Nine a Clock to Morrow Morning, that His Honour and the Board, or part of them propose to go to the Castle, and that if the House, or part of them, intend to be at the Castle when the Delegates are Entertained they would send up, that His Honour may be desired to make Preparations accordingly.

Then the House Adjourned till to Morrow Morning Nine a-Clock.

Mercurij Die 11. Septembris, A. D. 1723.

A Bill Entitled, *An Act for the Ease of the People called Quakers, and others dissenting from the Churches Established by the good and wholesome Laws of this Province.* Read a Third Time, and referred to the next Session for further Consideration.

An Accompt of Mr. Sheriff *Winslow* for sending the Tax and other Laws, made by this Court this present Year, into the several Counties belonging to the Province. Read, and Committed to the Committee for Petitions.

A Muster-Roll of the Company in His Majesty's Service under the Command of Col. *Thomas Westbrook.* Read, and Committed to the Committee for Muster Rolls.

Voted, That *Nineteen* Men under the Care and Command of an Officer in Lieut. Pay be Posted at *George-Town* on *Arowsick Island* for Garrison-Soldiers, and to be employed in Whale-Boats as the Occasion may require up and down the River and Places Adjacent, That *Nine* Men and a Serjeant be posted at the *Block-House* at *Maquoit*, That *Twenty One* Men under the Care of an Officer in Serjeants Pay be Posted at *Old Casco* in *Falmouth* in the allowed Garrisons there for their Security and Defence, That *Eleven* Men and a Serjeant be posted at *Perpudock*, *Six* at the *Ferry place*, and *Six* at the Garrison next the Meeting House, That *Nine* Men and a Serjeant be posted at *Spurwink*, That *Eleven* Men and a Serjeant be posted at *Scarborough*, *Four* at the Garrison at *Black Point*, *Four* at the Ferry-place at *Flyes*, and *Four* at *Deerings* Garrison, That *Fifteen* Men and a Serjeant be posted at *Saco Falls*, *Six* in the Garrison on the East-side the *Falls*, the other

on the West-side, That *Thirteen* Men and a Serjeant be Posted at *Biddeford*, *Six* at *Scammons's* at the Ferry, the other at *Sharp's*, and on the West-side of the River, That *Eighteen* Men and an Officer, including an Officer in Serjeants Pay be Posted at *Arundell* in the allowed Garrisons there, That *Six* Men including a Corporal be Posted at *Perkins* at the *Ferry-Place* at *Kennebunck*, That *Thirty-five* Men including an Officer in Lieut. Pay be Posted in the allowed Garrisons in the Town of *Wells*, That the like Number of Men including an Officer in Lieut. Pay be Posted in the allowed Garrisons in the Town of *York*, That the like Number of Men including an Officer in Lieut. Pay be Posted in the allowed Garrisons in the Town of *Berwick*, [62] That *seven* Men under the care of a Corporal be Posted in the upper parts of *Kittery* to begin at Major *Frost's* Garrison, two to be posted there, and the others, one in a Garrison in the upper Garrisons there, That the Garrisons at *Richmond*, *Small-Point* and *North-Yarmouth* be Slighted, That *One Hundred & Fifty* Men consisting of Three Captains Companies of the most Able-Body'd Effective Men be Employed constantly in Marching and Travelling by Sea and Land, to descry and surprize the Indian Enemy in the Eastern Parts, and that the remaining part of the Forces Eastward be disbanded, and that His Honour the Lieut. Governour be desired to give his Orders accordingly.

Sent up for Concurrence.

A Bill Entitled, *An Act for the better Regulation of the Officers and Soldiers retained in His Majesty's Service and Pay of this Government.*

Read a Third Time,

And *Resolved*, That the Bill do pass to be Engross'd.

Sent up for Concurrence.

A Message from His Honour by Mr. Secretary, That His Honour expects the House will be in the Council Chamber, when the Delegates are received.

Ordered, That a Message go up to the Honourable Board to desire that what has been prepared by the Committee to be spoken to the Delegates may be sent down.

Mr. Secretary brought down the Report of the Committee of what they had prepared to be spoken to the Delegates. Read, and Sent up Accepted.

Mr. Speaker and the House went up to the Council Chamber, and the Delegates were Admitted in, and His Honour in the Name of the Court spoke to them what was Agreed on, and thought Necessary at this Interview. The Delegates made Answer to His Honour's Speech, and spoke to sundry Articles which affected their Tribes in the Conference, & having finished speaking to their Articles, they withdrew.

Mr. Speaker and the House returned to their own Chamber.

Post Meridiem.

A Message from the Board by *Penn Townsend Esq*; That the Board desire they would pass upon the Vote of Council upon the Committee's Report about the *Present* to be made to the Delegates that so they may be in a readiness to go home as soon as may be. The Report of the Committee of both Houses respecting the *Present* to be made to the Delegates, with the Vote of Council thereon, Read, And the Question was put, *Whether the House would Concur with the Vote of Council thereon?* It pass'd in the Negative, *Nemine Contradicente.*

Then the Question was put, *Whether the House would Accept the Report of the Committee?* Resolved in the Affirmative, So far as that a *Present* of the *Fifty Four* Guns now at *Albany*, *Sixty One* Shirts, One Red one Blew one White Blanket for each, *Sixty Seven* Hatchets, and some other small Things, not exceeding the Value of *Twelve Pounds* be made to the Delegates. Sent up for Concurrence.

A Bill Entitled, *An Act in further Addition to the Act Entitled, An Act for the better Observation and Keeping of the Lord's Day.* Read a Third Time. And Resolved, That the Bill do pass to be Engross'd. Sent up for Concurrence.

A Message from His Honour by Mr. Secretary, *viz.*

Mr. Speaker, Agreeable to the Vote of the Court Yesterday I have given Direction for the Entertaining the Indian Delegates at Castle William, but find suitable Provision cannot be made to have them there till Friday next, and His Majesty's Council intending to be there, I should also be glad to have the Company of the Honourable House of Representatives, in the mean time I shall give the Delegates Notice of the Alteration of the Day. Wm. D U M M E R .

A Petition of *Thomas Wabam Sen.* and others, Descendants of the Indian Proprietors of a Tract of Land formerly called *Nashoba* now *Littleton*, praying they may be allowed to make Sale of their Interest in those Lands, for the Reasons mentioned in the Petition, pass'd in Council, *viz.* In Council *Septemb. 11th. 1723.* Read, and Ordered, That the Reverend Mr. *John Leverett* and *Spencer Phipps Esq*; Trustees of the Indian Proprietors, &c. be served with a Copy of this Petition, and that they may give their Answer thereto (if they see cause) on the first *Tuesday* of the next Fall Session. Sent down for Concurrence.

Read and Concurr'd with an Amendment.

Then the House Adjourn'd till to Morrow Morning Nine a Clock.

VOTES

Of the House of Representatives.

Jovis Die 12. Septembris, A. D. 1723.

W*Hereas the House have from Time to Time been very Sollicitous, That the Money's put into the Treasury for the Payment of the Publick Debts should be applied to and for such Ends and Uses as this Court should Order and Appoint, and no otherwise, notwithstanding many Sums have of late been drawn upon the Treasurer, no ways Conformable to the Directions agreed upon by the Court for Supplying of the Treasury, and since the Session in May last, two several Sums, one amounting to upwards of Three Hundred and Ninety Pounds have been drawn upon the Treasurer, and by him paid, though by the last Resolve they ought not to have been,*

Voted, That if at any time hereafter, The Treasurer for the time being presume to answer any Drafts made upon him, contrary or not Conformable to the Rules and Directions Ordained and Agreed upon in the Resolve for Supplying the Treasury, the same be not allowed of when he shall present his Accompts to the House, And that Mr. Treasurer *Allen* be served with an Attested Copy of the last Resolve of this Court for Supplying the Treasury together with this Vote, for his better Guidance, and more safe Management in this Affair.

Voted, That His Honour the Lieutenant Governour be desired at the next Meeting and Conference to be had with the Delegates in the Name and on the behalf of this Court to offer to them, that this Government is willing and desirous to instruct One or Two of the Male Youths of each of their Tribes in the Christian Faith, and bring them up at the *Colledge*; that so they in time may be able to teach the Tribes in the only true and saving Faith, and that the Lieutenant Governour be also desired in the Name of this Court, to ask of the Delegates, Whether the Nations will Accept and kindly receive a Minister or School-Master upon this Governments obtaining a Suitable Person. Sent up for Concurrence.

Voted, That *William Dudley, Jonathan Remington and John Quincy Esqrs.* with such as the Honourable Board shall Appoint be a Committee to prepare a draft from the minutes taken of the Articles delivered by the Delegates at the several Conferences had with them, together with what Articles has been delivered to them by His Honour the Lieut. Governour in the Name of this Government, and reduce the same into the Order as delivered at the Interviews, as well on the part of this Government, as the Delegates in the behalf of their several Tribes, and make Report thereon with all Dispatch, That Duplicates of the aforesaid Articles be delivered to the Delegates under the Seal of the Province.

Sent up for Concurrence.

Edward Bromfield Esq; brought down the Vote about Instructing the Delegates, &c. in the Christian Faith, Pass'd in Council, *viz.* Read and Concurr'd with the Amendments. Sent down for Concurrence.

Read and Concurr'd.

Mr. *Cooke* from the Committee for Petitions, Reported, *viz.*

On the Accompt of the Committee for Effecting the Repairs at His Majesty's Castle *William*, as Entred the 4th. Currant, The Committee are of Opinion, That the Sum of *l.10 12s. 8d.* be allowed and paid out of the publick Treasury to the Honourable *William Dummer* Esq; which with the Sum of *l.19 16s. 11d.* in the hands of the Committee will make up the Sum of *l.30 9s. 7d.* to discharge the Sums to the several Persons due as in the within Accompt, And that the Sum of *l.45* be allowed and paid out of the publick Treasury to the Honourable *William Dummer* Esq; on the behalf of the Committee for their Care and Trouble in performing the Service within mentioned. Read, and Accepted, And [64]

Resolved, That the Sum of *Fifty Five Pounds Twelve Shillings & Eight Pence* be allowed and paid out of the publick Treasury to the Honourable *William Dummer* Esq; which with the Sum of *Nineteen Pounds Sixteen Shillings & Eleven Pence*, the Ballance of the Accompt in the Committee's Hands, is in full discharge of the Accompt of what is due to sundry People for Gun-Carriages, &c. and also is in full for the Committee's Care and Trouble in performing the Service within-mentioned. Sent up for Concurrence.

On the Accompt of Dr. *Edward Ellis*, The Committee have Examined the above Accompt, and are of Opinion that the Sum of *l.122 10s.* be allowed and paid out of the publick Treasury to the Accomptant *Edward Ellis* in full discharge of this Accompt. Read and Accepted, And

Resolved, That the Sum of *One Hundred Twenty Two Pounds Ten Shillings* be allowed and paid out of the publick Treasury to Dr. *Edward Ellis* in full discharge of the within Accompt. Sent up for Concurrence.

On the Accompt of Dr. *Samuel Moodey*, The Committee having examined the above Accompt, are of Opinion that the Sum of *l.38* be allowed and paid out of the publick Treasury to the Accomptant *Samuel Moodey* in full discharge of this Accompt. Read and Accepted, And

Resolved, That the sum of *Thirty Eight Pounds* be allowed and paid out of the publick Treasury to Dr. *Samuel Moodey* in full discharge of the within Accompt. Sent up for Concurrence.

On the Memorial of Lieut. *Joseph Kellogg*, The Committee are humbly of Opinion, That the Sum of *Thirty Pounds* be allowed and paid out of the publick Treasury to the Petitioner *Joseph Kellogg* in Consideration of the Care and Pains taken by the Petitioner in performing the several Services within-mentioned.

Read and Accepted, And

Resolved, That the Sum of *Thirty Pounds* be allowed and paid out of the pub-

lick Treasury to the Memorialist *Joseph Kellogg* in full Satisfaction for the Services mentioned in the Memorial. Sent up for Concurrence.

On the Accompt of Col. *Samuel Thaxter* for Stockadoes, Timber and Plank, for the use of His Majesty's Garrison at Castle *William*, Certified by the Committee for Effecting Repairs at said Garrison, The Committee are of Opinion, that the Sum of *l.122 1d.* be allowed and paid out of the publick Treasury to the Accomptant *Samuel Thaxter* Esq; in full discharge of this Accompt.

Read and Accepted, And

Resolved, That the Sum of *One Hundred Twenty Two Pounds and One Penny* be allowed and paid out of the publick Treasury to *Samuel Thaxter* Esq; in full discharge of this Accompt. Sent up for Concurrence.

Post Meridiem.

Voted, That a Message go up to the Board to desire they would pass on the most Momentous Affairs before them, that if possible the Court may rise this Week.

Voted, That His Honour the Lieut. Governour be desired to lay before the House such Orders and Instructions as he has from time to time sent to Col. *Thomas Westbrook*.

Whereas this Court in their Session last November did by a Vote of the 20th. of said Month, set off a Precinct at the South part of Weymouth, as by said Vote the same is butted and bounded, but some Mis-construction is since made of the Bounds to the Southward of Mr. Blanchards,

Ordered, That the Line and Bounds of the said Precinct be run according to the true Intent and Meaning as was determined by the Committee that run said Line, and that *John Quincey* and *Joseph White* Esq; with two Persons to be chosen out of each Precinct by the Inhabitants thereof, be a Committee to run said Lines, and return the same to be recorded in the Town and New Precinct Books, The Charge to be born by the Town of *Weymouth*. Sent up for Concurrence.

Col. *Dudley* from the Committee for Muster-Rolls, Reported, *viz.* On the Muster-Roll of Capt. *George Carlile* deceas'd, The Committee find it right Cast and well Vouch'd by the Oath of *Ludo: Mth Gowen*, who declared that all the Men inserted in this Roll were in actual Service the whole time they stand entred, [65] But whereas the Captain has carried out to him *Three Pounds* per Month for delivering out Stores, &c. whereas there is but *Thirty-five* Men born on the Roll, the Committee are of Opinion that the Captain ought to have and receive but after the rate of 45s. per Month for that Service, therefore that the Sum of *l.11 5s.* be deducted out of his Wages, after which the Committee are of Opinion that the Sum of *l.258 6s. 6d.* be allowed and paid out of the publick Treasury of the Officers and Soldiers respectively born on this Roll in full discharge thereof.

Read and Accepted, And

Resolved, That the Sum of *Two Hundred Fifty Eight Pounds Six Shillings & Six Pence*, be allowed and paid out of the publick Treasury to the several Persons to whom the same is respectively due, in full discharge of the Wages of the within Muster-Roll agreeable to the above Report. Sent up for Concurrence.

On the Muster-Roll of the Men at the Garrison-House at *St. George's River*, sign'd *James Armstrong*, The Committe find it right Cast and well vouch'd by the Oath of *Francis Punchard*, Clerk to the said Men, but whereas Lieut. *James Armstrong* Charges 30*s.* per. Month for delivering out Stores &c. and none such being entred in this Roll, The Committee are of Opinion that the Sum of *l. 12 18s.* be deducted out of the said Lieutenant's Wages, and whereas the said Lieutenant was absent from his Post, for more than two Months, The Committee are of Opinion that two Months pay, viz. *l. 8* be also deducted out of his Wages, after which Deductions amounting to *l. 20 18s.* the remaining Sum of *l. 412 3s. 9d.* be paid out of the publick Treasury to the Officers and Soldiers born on this Roll, in full discharge thereof. Read and Accepted. And,

Resolved, That the Sum of *Four Hundred and Twelve Pounds Three Shillings and Nine Pence* be allowed and paid out of the publick Treasury to the Officers and Soldiers born on the within Muster-Roll, in full discharge of the Wages thereof agreeable to the above Report. Sent up for Concurrence.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *John Shipley*.

Read and Committed to the Committee for Muster-Rolls.

An Accompt signed *Eleazer Tyng* amounting to 35*s.* for sending sundry Expresses in the Service of this Government. Read, And,

Resolved, That the Sum of *Thirty-five Shillings* be allowed and paid out of the publick Treasury to Col. *Eleazer Tyng*, in full discharge of said Accompt.

Sent up for Concurrence.

In the House of Representatives, September 12th, 1723.

Whereas this Government is now Engaged in a Just and Necessary War against the Eastern Indians, The more Effectual Management and Carrying on the same is not only for the Honour and Service of the Crown of Great Britain, but the great Security, lasting Peace and Prosperity of the Inhabitants of this Province, and other His Majesties Provinces and Colonies on this Continent, And whereas this Court is Sincerely desirous at all times to come into the most likely Methods for bringing the War to a speedy and good End, And in Order thereto have and shall raise sufficient Supplies of Men and Moneys, and do what shall be most conducive to Accomplish that Matter, But inasmuch as this Court cannot be constantly Sitting for concerting Measures with His Honour the Lieutenant Governour, which would be pleasing and agreeable to him, as intimated in His Speech at the Opening of this Session, without great Damage to the Members thereof,

Voted, That a Committee consisting of Members of this Court whereof to be chosen out of the Members of this House, and of the Honourable Board, who shall meet once in Days after the rising of this Court, in *Boston*, in order to a due Enquiry into the State and Circumstances of the War, and concert what further Steps and Methods may be necessary to be put in Practice, keeping close to the Resolutions and Determinations pass'd the General Court, as the Nature and Circumstance of the Things and unforeseen Accidents that may happen will allow of, And after they have agreed and concluded upon any Projections or Designs, relating to their Business and Duty, touching that Matter, that they then lay the same before His Honour for His Approbation and Consent, and that He would be pleased to take Effectual Care that the same be put in speedy Execution. Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Nine a-Clock. [66]

Veneris Die 13. Septembris, A. D. 1723.

MR. Secretary brought down a Letter which His Honour thought fit to Communicate, Dated *Albany, September 8th.* which gave Advice of a Party of Indians being seen at *Otter-Creek*, that it was to be feared they would make a Descent upon our Frontiers. Read.

Voted, That His Honour the Lieutenant Governour be desired forthwith to send an Express of the Advice of the Indians coming over the Lake, to the several Western Frontier Towns, that they may be apprized of the Danger they may be in. Sent up for Concurrence.

Penn Townsend Esq; brought down the Report of the Committee of both Houses about proper Heads to be spoken to the Delegates at the next Interview, passed in Council, *September 12th. 1723.* viz. Read and Accepted.

 Sent down for Concurrence. Read and Non-Concurred. And,

A Message that the Board desires the House would pass on the Vote for a New Enlistment at *Castle William.* Mr. Speaker informed him that that Vote lay now at the Board.

Jonathan Belcher Esq; brought down the following Message from the Board, viz. *September 13th.* The Board take Notice in the Vote of the Honourable House for a Committee in the Recess of the Court, &c. of a Paragraph, in these Words, (*But inasmuch as this Court cannot be constantly sitting, for Concerting Measures with His Honour the Lieutenant Governour, which would be pleasing and acceptable to Him, as intimated in His Speech at the Opening of this Session,*) desire the House would inform them, where the Matter so intimated by His Honour is to be found, for the Board cannot find it.

Voted, That *Mr. Cooke* go up with a Message to the Honourable Board to inquire whether the Board have passed on the Vote of the House sent up last Night,

about a Committee of both Houses to sit in the Recess of the Court, to advise on Prosecuting and Managing the Affair of the War, that if they have not passed on it, they would proceed in the usual Form.

Voted, That His Honour the Lieutenant Governour be desired forthwith to give Orders to hasten the Troops that are going out for the Relief of the Frontiers, and also, that the Troops that are already mov'd out for their Relief may be kept on the Frontiers for their Security till further Order.

Sent up for Concurrence.

A Message from the Board by *John Turner Esq*; viz. The Board wait for a Return of their Message relating to a Paragraph in His Honours Speech, in order to their passing on the Vote of the House for a Committee in the Recess of the Court.

Col: *Dudley* from the Committee for Muster-Rolls, reported on the Muster-Roll of Capt. *John Shipley*, The Committee find it right Cast and well Vouched by the Oath of *Moses Marcum*, But whereas the said *Shipley* was absent from his Post at the Eastward, the whole Time entred in this Roll, although not dismiss'd the Service, and having been at considerable Expence in his Sickness both at *Casco* and here at *Boston*, The Committee are of Opinion that *l. 9* only, of his Wages entred as due to him be paid, and that the remainder, viz. *l. 11 7s. 1d.* be deducted from and struck out of his Pay, and that *Daniel Jackson* One of the Soldiers born in this Roll, his Pay be detained in the Treasury until he make good One of the Province Arms, by him received, after which Deductions the Committee are of Opinion, that the Neet Wages, viz. *l. 98 19s. 10d.* be allowed and paid out of the publick Treasury to the Officers and Soldiers born on this Roll, in full discharge thereof. Read and Accepted. And,

Resolved, That the Sum of *Ninety Eight Pounds Nineteen Shillings & Ten Pence* be allowed and paid out of the publick Treasury to the Officers and Soldiers born on the within Roll in full discharge of the Wages thereof agreeable to the above Report. Sent up for Concurrence. [67]

Voted, That Col. *Buckminster* go up to the Honourable Board with the following Message, viz. *The House Apprehend that if the Honourable Board would be pleased to take into Consideration His Honours Speech at the Opening of the Session of this Court, they will perceive the Paragraph in the Vote of the House, which the Honourable Board are at a Loss to find out, is well supported & included in the first part of the said Speech, inasmuch as a Treaty with the Eastern Indians necessarily affects War or Peace.*

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Jacob Tilton*. And A Muster-Roll of the company in His Majesty's Service under the Command of Capt. *Edmund Ward*.

Read and Committed to the Committee for Muster-Rolls.

A Memorial of Mr. *Samuel Jordan*, shewing that he performed the Service &

Duty of a Pilot to the Forces Eastward in their March to *Penobscut* last Winter under the Command of Col. *Thomas Westbrook*, praying this Court would make him such Allowance for his said Service as in their Wisdom shall seem meet.

Read and Committed to the Committee for Petitions.

Post Meridiem.

Mr. *Edward Shove* inform'd the House that Col. *Westbrook* had acquainted him, That His Honour had given him Direction to lay his Orders before the House, and that he desired to be admitted into the House.

Ordered, That Col. *Westbrook* have leave to Attend the House.

Col. *Westbrook* was admitted into the House, and laid his Orders which he had received from His Honour the Lieut. Governour on the Table, a True Copy of which he also left, and then withdrew.

Ordered, That a Message go up to His Honour to Enquire, Whether His Honour has received any Advice from *Connecticut* Government that they have raised any Forces to be sent into the Western Frontiers in this Province as a Scout for their Security and Defence. Sent up by Capt. *Throop*.

Who returned, That His Honour informed him that He had received Advice from the Government of *Connecticut*, that they had raised *Two Hundred* Men to joyn any Forces of Ours, when the Occasion requires, to assist us on the Frontiers in the County of *Hampshire*.

Voted, That His Honour the Lieut. Governour be desired to give His Orders to Capt. *Johnson Harman*, that he proceed with his Company and range by Water along the Eastern Shoar in the several Harbours and Bays as far as *Mount-Desart*, in order to Take and Surprize the Indian Enemy which may be found there, and that he have it in his Instructions to bring away as many of the French Inhabitants residing in those Parts of this Government as he can find and convey them to *Boston*, That he be allowed one of the Country Sloops in the pay of this Government, and a suitable Number of Whale Boats to attend him in performing the aforesaid Service, and that he continue out in the same not exceeding *Forty Days*.

Sent up for Concurrence.

Whereas Capt. Arthur Bragdon of York, hath manifested to the House that a Number of Forty or Fifty Men, belonging to the County of York, are disposed to go in Quest of the Indian Enemy, to lie upon the Heads of the Rivers or the most likely Places to Surprize and Captivate the Indians, provided, they may be supplied and paid as the detached Forces for such time as they shall be in the Service, and receive such Bounty for Scalps as by Law the detached Forces are Entitled to,

Voted, That His Honour be desired to Commissionate the said Arthur Bragdon and Mr. *Joseph Sayward* to Command such Men of that County as are willing to Engage in this Affair, and that they receive Pay and Subsistance for such Time

as they remain in that Service in Scouting the Woods and passing the Rivers, together with the Premium or Bounty for Scalps as the detached Forces by Law have. Sent up for Concurrence. [68]

Nathaniel Norden Esq; brought down the following Vote of Council, viz. In Council *September 13th 1723*. Voted, That a Message go down to the Honourable House of Representatives, That the Treasurer having Represented that he has no Powder in Store that is fit for Service, and that it is very scarce in Town, and rising in it's Price, The Board think it necessary that a Number of Barrels be forthwith bought up for a Supply of the War.

A Message from the Board by *Adam Winthrop* and *Samuel Thaxter* Esqrs. That three Men of the Tribes of the Delegates have sent Word by Mr. *Kellogg*, that they are ready and willing to go into the Eastern Parts; and engage actually in the War with us, and that they desire they may be conveyed thither as soon as may be.

Ordered, That Mr. *Kellogg* be directed to attend this House.

Mr. *Kellogg* was admitted, and Mr. Speaker at the desire of the House, asked him some Questions, respecting the Delegates sending Word that some of their Men are willing to go into the War, to which he answered and then withdrew.

Then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Sabbati Die 14. Septembris, A. D. 1723.

Samuel Sewall and *Samuel Thaxter* Esqrs. brought down the Report of the Committee on the Petition of *Thomas Sawen*, pass'd upon the 23d. of *August* past, with the following Vote of Council thereon, viz. In Council *September 10th. 1723*. Read and Non-Concurr'd, and Ordered, That the Report on the other side be Accepted, and that *Thomas Sawen* have Liberty to set up his Mills accordingly, provided, that if any Persons be damaged by the Overflowing of the said River, which may be occasioned by the said Mills and Mill Damm, they shall notwithstanding this Order have their Remedy in the Law.

Sent down for Concurrence.

Read, and referred to the next Session for further Consideration.

Two Accompts of Charge of the Honourable *John Schuyler* Esq; in the Service of this Province. Read and Committed to the Committee for Petitions.

A Message by *Penn Townsend* Esq; That a Sloop is ready at the Long-Wharffe His Honour and the Board intending to go to the *Castle* in her, that if the House, or a Number of the Members intend to go down, they would send up a Message, the Tide now serving.

Nathaniel Norden Esq; brought down the Vote respecting Capt. *Arthur Bragdon*, Sent up last Night, pass'd in Council, viz. Read and Concurr'd with the Amendments. Sent down for Concurrence. Read and Concurr'd.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *William Hilton*.

Read and Committed to the Committee for Muster-Rolls.

Voted, That a Muskett with a suitable Quantity of Powder and Ball be presented to each of the Delegates now here in Lieu of those that are at *Albany* designed to be presented to them. Sent up for Concurrence.

Voted, That *Elisha Cooke*, *John Stoddard*, and *John Wainwright* Esqrs. be a Committee to Treat with the Delegates and Enquire, Whether the Præmium given for Scalps will be most Acceptable to them in Bills or Goods, which they may receive on the procuring any Scalp or Scalps at the Prices which shall be Agreed on them, and make Report thereof to the House.

Then the House Adjourn'd till Tuesday next Ten a Clock in the Forenoon.

VOTES

Of the House of Representatives.

Martis Die 17. Septembris A. D. 1723.

A Petition of *Alexander Hamilton* late Captive with the Eastern Indians, shewing that whereas he removed with his Substance out of *Kennebeck River* for fear of the Indians, but by Proclamation issued out by His Excellency the Governour, forbidding all Persons living on the Frontiers to draw in, and requiring those that had to return to their Habitations, the Petitioner returned back to his dwelling in *Kennebeck*, and afterwards was Captivated, and lost of his Substance at least the value of *One Thousand Pounds*, praying the Compassionate Consideration of this Court, to grant him such Relief in the Premises as in their Wisdom shall seem meet. Read and Dismiss'd.

A Petition of Capt. *Edmund Ward*, praying that an Estople laid on his Wages in his last Muster-Roll of the Sum of *Thirty Four Pounds* may be taken off for the reasons therein mentioned. Read and Committed to the Committee for Muster-Rolls.

Voted, That His Honour the Lieut. Governour be desired to give His Orders that the First Troops that moved out for the Covering and Securing the Western-Frontiers, may be directed to return home on Saturday Night next.

Sent up for Concurrence.

Resolved, That Mr. Treasurer *Allen* be directed to Pay and Advance to the Committee appointed the Eighteenth of *June* last for Effecting Repairs at His Majesty's Garrison at Castle *William*, and the *Light-House*, the Sum of *Three Hundred Pounds* for that Service, The Committee to be accomptable for said sum.

Sent up for Concurrence.

Post Meridiem.

A Petition of *Thomas Hastings* of *Newton*, praying that he may be allowed to receive what Wages is due to his Son *John Hastings*, who died in the Service of the Province, for the reasons therein mentioned. Read, And

Resolved, That the Prayer of the Petition be Granted?

Sent up for Concurrence.

Mr. Secretary brought down the following Message from His Honour, viz.

Gentlemen of the Representatives,

I must once more put you in mind of the Reasonableness & Necessity of coming to some Resolution for the Encouragement of the Officers and Soldiers of the Garrison at Castle-William, and the Vote of the House on that Affair being Non-Concurr'd by the

Board, I desire you would speedily think of some Method that the whole Court may agree in, for the Encouraging that Garrison.

Septemb. 17th. 1723.

Wm. DUMMER.

And a further Message that His Honour would send for the Delegates this Afternoon, if the House were inclinable that they should come to Court this Afternoon.

Ordered, That a Message go up to His Honour to acquaint Him, that the House is ready to attend at the Interview with the Delegates this afternoon, if His Honour and the Board are ready.

Ordered, That a Message go up to the Honourable Board to desire they would send down the Vote about a New Enlistment at His Majesty's Garrison at Castle-William. Mr. Secretary brought down the said Vote. [70]

A Petition of Mr. *Thomas Manchester* Representative of the Town of *Tiverton*, shewing, that whereas *Joseph Anthony & John Sisson*, two of the Assessors of said Town, *Anno 1722*, neglected to Assess them in the full Tax laid on them that Year by this Court, for which they are Committed to and now are in His Majesty's Goal in the County of *Bristol*, praying they may have a Hearing before this Court to shew forth their Reasons why they did not assess the said Town agreeable to the aforesaid Tax. Read, And the Quastion was put,

Whether the Prayer of the Petition should be Granted?

It pass'd in the Negative.

Voted, That *Elisha Cooke, John Stoddard, and William Dudley Esqrs.* be a Committee to take under Consideration the Establishment of the Garrison at Castle-William, made *Anno 1700*, and report what Encouragement they think necessary to made at this Time for a New Enlistment at that Garrison.

Resolved, That the Treasurer be directed to purchase *Thirty Barrels* of the best Gun-Powder he can meet with, for the use of the Marching Forces only.

Sent up for Concurrence.

Voted, That His Honour be desired to acquaint the Delegates at the Interview this Afternoon, that what Presents they receive while here, is not intended as any part of what was promised them to be presented to them at *Albany*.

An Accompt Sign'd *John Ames* for going sundry Expresses by Order, and in the Service of this Government.

An Accompt Sign'd *Bryant Toole* for going Express to the Eastward, his Horse-hire, Time and Expencc. And

A Petition of *Nathaniel Tarbox* of *Biddeford*, praying he may be allowed his Expencc on *William Taylor* a Soldier in the Service of this Government Eastward, who has labour'd under a long Fit of Sickness, in which the Petitioner has advanc'd the Sum of *l.11 8s.* praying for relief in the Premises.

Read and Committed to the Committee for Petitions.

Col. Dudley from the Committee for Muster-Rolls, Reported, *viz.*

On the Muster-Roll of Col. *Thomas Westbrook*, The Committee find it right Cast and well Vouched, but whereas Lieut. *Jacob Tilton* has entred to him *Eight Pounds* per Month, the one half thereof as Pilot, the other half as Lieutenant, and there being no Establishment, therefore the Committee are of Opinion that the Sum of *l.31 11s. 6d.* be deducted out of his Wages, and the Second Lieutenant *James Brentall's* Wages be reduced to Serjeants, viz. from the Sum of *l.31 5s. 11d.* to *l.20 14s. 5d.* and that the Sum of *l.10 11s. 6d.* be accordingly struck out of his Wages, and that the said Lieutenant *Brentall's* Wages as before reduced be detained in the Treasury until he return or Accompt for two of the Province Arms by him received and not returned, and that the Sum of *l.3 11s. 1d.* be also struck out of his Roll, so much entred to *John Cromwell* returned a Deserter, after which deductions amounting in the whole to *l.45 14s. 1d.* and the aforesaid Estople, that the remaining Sum amounting to *l.896 13s. 5d.* be allowed and paid out of the publick Treasury to the Officers and Soldiers to whom the same is respectively due, in full Discharge thereof. Read and Accepted, And

Resolved, That the Sum of *Eight Hundred Ninety Six Pounds Thirteen Shillings and Five Pence* be allowed and paid out of the publick Treasury to the Officers and Soldiers born on the within Muster-Roll agreeable to the above Report, in full discharge of the Wages thereof. Sent up for Concurrence.

On the Muster-Roll of Capt. *Jacob Tilton* from *November 15th.* to *January 10th.* The Committee find it right Cast and well Vouch'd by the Oath of the said *Jacob Tilton* that the Men were in actual Service the time they stand Entred, But whereas Lieut. *James Brentnall* has not returned a Gun received by him nor Accompted for it, therefore the Committee are of Opinion, his Wages amounting to *l.8 2s. 10d.* be detained in the Treasury until he return the said Gun, or make sufficient Satisfaction therefor, and that *John Cromwells* Wages amounting to *l.3 9s. 4d.* be struck out of this Roll, he having deserted the Service, and that the Sum of *l.186 2s. 10d.* be allowed and paid out of the publick Treasury to the Officers and Soldiers born on this Roll, in full discharge thereof. Read and Accepted, And [71]

Resolved, That the Sum of *One Hundred Eighty Six Pounds Two Shillings & Ten Pence* be allowed and paid out of the publick Treasury to the Officers and Soldiers born on this Roll agreeable to the above Report, in full discharge of the Wages thereof. Sent up for Concurrence.

On the Muster-Roll of Capt. *Edmund Ward*, The Committee find it right Cast and well Vouch'd by the Oath of the said *Edmund Ward*, who affirmed that the Men were in actual Service the whole time they stand entred except *Soloman Pike* who is entred Three Months before he ought to have been, therefore that *Eight Pounds* be deducted out of his Wages, and the Captain having Charged Six Weeks time at *Three Pounds* per Month for delivering out Stores, &c. before the Establishment therefor was made, The Committee are of Opinion that the Sum of *l.4*

10s. be struck out of his Wages, and that the several Men returned Deserters, and to whom is carried out as Wages due, in the whole the Sum of *l.21 2s. 3d.* be also deducted out of this Roll, and that the Sum of *l.13 6s. 9d.* said to be due to *Amos Manasses* Servant to Maj. *Gorham* be detained in the Treasury until he return or Accompt for a Gun by him received, and after the said deduction and detainer the remaining Sum of *l.887 6s. 2d.* be allowed and paid out of the publick Treasury to the Officers and Soldiers born on this Roll in full discharge thereof. Read,

And Accepted, And *Resolved*, That the Sum of *Eight Hundred Eighty Seven Pounds, Six Shillings & Two Pence* be allowed and paid out of the publick Treasury to the Officers and Soldiers born on the within Roll agreeable to the above Report, in full discharge of the Wages thereof. Sent up for Concurrence.

A Message from His Honour by Mr. Secretary, That His Honour expects that the House will be present in the Council Chamber at the Interview to be had with the Delegates this Afternoon. Mr. Speaker and the House went up. And the Delegates were received in the Council Chamber, His Honour delivered the several Articles agreed upon by the Court to be spoken at the Conference, as also the Presents agreed to be made them by the Government. The Delegates expressed their great Satisfaction in what His Honour had spoken, Two of their Young Men drew out from them, and offered their Service to go immediately into the *Eastern* Country, in Quest of the Indian Enemy, The Delegates withdrew. And then Mr. Secretary declared that it was His Honours Pleasure the Court should be Adjourned 'till to Morrow morning Nine a-Clock, and that the said Court was accordingly Adjourned.

Mercurij Die 18. Septembris, A. D. 1723.

A Petition of Capt. *Johnson Harman*, praying that an Estopple of *Eight Pounds* laid on his Wages last Year, for so much due to *Israel Hazen*, may be taken off, he having produced a Certificate that he had paid the said *Hazen* in full of his Wages. Read, and in Answer to this Petition,

Resolved, That the Treasurer make good to the Petitioner the Sum of *Eight Pounds*, *Provided*, it appears by his last Muster-Roll that the said Sum was stop'd out of his Wages agreeable to a Vote of the House pass'd on *Israel Hazen's* Petition sent up for Concurrence the First of *January* last.

Sent up for Concurrence.

Ordered, That Mr. *Gerrish* and Capt. *Cawley* go up to the Board to desire the Vote for the Disposition of the Forces Eastward may be sent down, That the Board would pass upon what lyes before them, that the Court may rise this Day if possible.

Thomas Fitch Esq; brought down the Vote about a New Establishment at the Castle. With the following Vote of Council, *viz.* In Council *Septemb. 18th.*

1723. *Whereas the Board did not agree with the Honourable House in their Vote for Slighting the Block-House at St. Georges-River, but Voted the re-[72] ducing the Garrison there, which was Non-Concurred, Voted, That a Conference be had with the House of Representatives on the Subject-matter of the said Votes, to be attended as soon as may be.* Sent down for Concurrence.

Read and Non-Concurr'd.

Ordered, That Capt. Throop and Mr. Hale be of the Committee for making a New Establishment of the Pay at His Majesty's Garrison at Castle William, in the room of William Dudley and John Stoddard Esqrs; now Employ'd in other Business of the Court.

This House being informed, That a private Seal is Appending to the Belt of Wampum delivered by His Honour to the Delegates at the Interview last Night, and the Seal of the Province being Agreed upon by the Committee of both Houses to be affixed thereto,

Resolved, That the aforesaid Seal be defaced, and the Seal of the Province be appending to the said Belt as the Committee agreed upon.

Sent up for Concurrence.

Mr. Cooke from the Committee for Petitions, Reported, *viz.*

On the Petition of Mr. Samuel Jordan as entred the 13th. The Committee having Examined the within Petition, are of Opinion that the Sum of *l.15 15s.* be allowed and paid out of the publick Treasury to the Petitioner *Samuel Jordan* in consideration of the Services within-mentioned. Read & Accepted,

And *Resolved, That the Sum of Fifteen Pounds Fifteen Shillings* be allowed and paid out of the publick Treasury to Mr. *Samuel Jordan* for the Services mentioned in the Petition. Sent up for Concurrence.

On an Accompt of Charge of Col. *John Schuyler* as entred the 14th. The Committee have Examined the above Accompt, and by the Affirmation of Lieut. *Joseph Kellogg*, are satisfied the Money hath been advanc'd and paid by the Accomptant, that therefore the Sum of *l.76 15s. 1d.* be allowed and paid out of the publick Treasury to Col. *John Schuyler* to discharge this Accompt.

Read and Accepted, And

Resolved, That the Sum of Seventy Six Pounds Fifteen Shillings & One penny be allowed and paid out of the publick Treasury to Col. *John Schuyler*, in full discharge of this Accompt. Sent up for Concurrence.

On another Accompt of the said Col. *John Schuyler* as entred the 14th. The Committee have Examined the above Accompt, find it right, and are therefore of Opinion that the Sum of *l.7 8s. 10d.* be paid out of the publick Treasury to the Accomptant Col. *John Schuyler* in full of this Accompt.

Read and Accepted, And

Resolved, That the Sum of Seven Pounds Eight Shillings & Ten Pence, be allowed and paid out of the publick Treasury to the Honourable *John Schuyler Esq;* in full discharge of the within Accompt. Sent up for Concurrence.

On the Accompt of *Edward Winslow* Esq; as entred the 14th. Currant, The Committee have Examined the above Accompt, and find the Articles are just and reasonable, that therefore the Sum of *l.14 2s. 6d.* be allowed and paid out of the publick Treasury to *Edward Winslow* Esq; in full for the above Service, and that the Sum of 30s. be paid to *Thomas Holt* out of the publick Treasury for the hire of his Horse. Read and Accepted, And

Resolved, That the Sum of *Fourteen Pounds Two Shillings & Six pence*, and the further Sum of *Thirty Shillings* be allowed and paid out of the publick Treasury to *Edward Winslow* Esq; and *Thomas Holt*, agreeable to the above Report of the Committee, and in full Discharge of the within Accompt.

Sent up for Concurrence. [73]

Voted, That Mr. Secretary be directed to write a Letter in the Name of this Government to the Commissioners at *Albany* to return our hearty Thanks for their Care and Advice in sending the Account of the Indians being discovered at *Otter-Creek*, and the danger our Frontiers might be in from those Indians, as well as the former Intelligences forwarded to us, and to desire the continuance of their Friendship for the future. Sent up for Concurrence.

The Vote of the House respecting the Disposition of the Forces Eastward brought down this Morning, Read, And the Question was put, *Whether the House would re-consider that Vote?* Resolved in the Affirmative, so far as it affects the Garrison at *Richmond*, and *Voted*, That an Officer in Lieutenants Pay, and Twenty-five Men be Posted in the Garrison at *Richmond* for the Support thereof, and that His Honour the Lieutenant Governour be desired to give His Orders accordingly.

Sent up for Concurrence.

Samuel Sewall and *Thomas Hutchinson* Esqrs. brought down the following Vote of Council, viz. In Council *Septemb. 18th. 1723. Whereas the Vote pass'd this Morning in the House of Representatives respecting the Seal affixed to the Belt of Wampum yesterday delivered to the Delegates, contains just matter of Offence,*

Voted, That a Message be sent down to the Honourable House to desire they would withdraw the said Vote.

Voted, That Mr. *Wainwright*, Col. *Dudley* and Mr. *Cooke* be desired to prepare a proper Answer to the said Vote of Council.

Whereas the Committee of the Honourable Council and House of Representatives had Agreed, That the Seal of the Province should be Appending to the Belt of Wampum last delivered to the Delegates of the Six Nations, &c. as the Conclusion of the Treaty had with them, and there being no Determination of the Council or House for the Alteration thereof known to the House, The House of Representatives look upon the affixing a private Seal (contrary to the Agreement of that Committee) a high Affront and Indignity to them, and therefore very justly expect that the Advisers and Pro-

moters thereof be made known to this House, and then the House will justify and maintain their Vote sent up this Morning respecting that Affair.

Sent up by Capt. *White*, Mr. *Crossman*, and Capt. *Nowell*.

Post Meridiem.

An Accompt of *Hezekiah Wright* for coming Express from *Northampton* in the Service of this Province, and returning back upon extraordinary dispatch, Sign'd by Col. *Partrigg*. Read and *Resolved*, That the Sum of *Three Pounds* be allowed and paid out of the publick Treasury to Col. *Samuel Partrigg* for the use of the said *Hezekiah Wright*, in full Satisfaction for his Service as above-mention'd.

Sent up for Concurrence.

An Accompt of Dr. *Nathaniel Williams* for Medicine and Attendance on the Delegates. Read and *Resolved*, That the Sum of *Twenty Shillings* be allowed and paid out of the publick Treasury to Dr. *Nathaniel Williams* in full Discharge of this Accompt. Sent up for Concurrence.

An Accompt of sundry Expences of Col. *Thomas Westbrook*, amounting to *l.12 8s.* in the necessary Service of the Province. Read and *Resolved*, That the Sum of *Twelve Pounds Eight Shillings* be allowed and paid out of the publick Treasury to Col. *Thomas Westbrook* in full discharge of this Accompt.

Sent up for Concurrence.

An Accompt of Capt. *Edmund Ward*, amounting to *30s.* for Transporting Stores from *Arowsick* to *Casco-Bay* as by a Receipt of the same annexed. Read and *Resolved*, That the Sum of *Thirty Shillings* be allowed and paid out of the publick Treasury to Capt. *Edmund Ward* in full discharge of this Accompt.

Sent up for Concurrence. [74]

A Petition of *Joseph Plummer* shewing that he advanced to & supply'd Lieut. *William Hilton* with sundry Provisions for himself and Company in the Service of this Province Eastward, when there was no Province Stores there, as by the Petition appears, praying for Allowance for the same. Read and Committed to the Committee for Petitions.

Resolved, That the Sum of *One Hundred Pounds* be allowed and paid out of the publick Treasury to the Honourable Col. *John Schuyler* for his good Services to this Province. Sent up for Concurrence.

Voted, That Mr. *Cooke*, Capt. *Chambers*, and Capt. *Throop*, with such as the Honourable Board shall appoint be a Committee to project and prepare some suitable Heads as Articles of Direction and Instructions which they may think proper for this Court to deliver to the Hon. Col. *John Schuyler*, for his government in engaging and securing the Friendship of the Two Nations of Indians that have hitherto stood Neuter to the Interest of this Province, to sit forthwith.

Sent up for Concurrence.

A Message from His Honour by Mr. Secretary, That the Delegates were now waiting to take Leave of the Court, That His Honour expected the House would be present when the Delegates were received in the Council Chamber. Mr. Speaker and the House went up, and the Delegates were admitted in, and made handsome Compliment for the many Tokens and Expressions of Friendship received from this Government during their stay here, and gave ample Assurances of their Fidelity to Us. His Honour in the Name of the Court inform'd them that the Government wished them a good Journey and safe Arrival in their own Country. Then the Delegates withdrew. Mr. Speaker and the House returned to their own Chamber.

Then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Jovis Die 19. Septembris A. D. 1723.

Resolved, That the Sum of *Fifty Pounds* be advanc'd and paid to Lieut. *Joseph Kellogg* out of the publick Treasury for defraying the Charges of the Delegates on their return home, and he to be Accomptable for the said Sum.

Sent up for Concurrence.

Col. *Dudley* from the Committee for Muster-Rolls, Reported on the Muster-Roll of Lieut. *William Hilton* deceas'd, Sign'd *John March*, The Committee find it right Cast, and Vouch'd by the Oath of *Joseph Plummer* Clerk, who affirmed all the Men were in actual Service, the Time they stand entred except *Daniel Allen*, who has been absent Three Months from his Duty, The Committee are of Opinion that Three Months Pay be deducted from said *Allen's* Wages, after which the Committee Report, that the Sum of *l.647 9s.* be allowed and paid out of the publick Treasury to the Heirs Executors or Administrators of the said *William Hilton* deceas'd, and the other Officers and Soldiers to whom the same is respectively due, in full discharge thereof. Read and Accepted, And

Resolved, That the Sum of *Six Hundred Forty Seven Pounds Nine Shillings* be allowed and paid out of the publick Treasury to the Heirs Executors or Administrators of the said *William Hilton* deceas'd, the Officers and Soldiers born on the within Muster-Roll agreeable to the above Report, in full discharge of the Wages thereof. Sent up for Concurrence.

An Accompt of Dr. *William Davis*, amounting to *l.6* for Medicines, Attendance, &c. on the Delegates, and also on sundry Prisoners in His Majesty's Goal in *Boston*, by Order. Read and Resolved, That the Sum of *Six Pounds* be allowed and paid out of the publick Treasury to the said Dr. *William Davis*, in full discharge of the within Accompt.

Sent up for Concurrence.

Ordered, That a Message be sent up to His Honour to desire He would be pleas'd to give the House an Account of what News he has received from *St. George's-*

River, respecting the Indians coming in sight of the *Block-House* there under a Flagg of Truce. [75]

A Message from His Honour by *Nathaniel Paine* Esq; That His Honour had sent for the Man that brought the News about the Indians appearing under a Flagg of Truce, and that when he had been Interrogated by His Honour he should be sent to attend the House.

Upon reading a Memorial of Col. *Samuel Partrigg* for Stores, &c. *Resolved*, That the Treasurer be directed to send Six Barrels of good Gun-Powder, and a proportionable Quantity of Lead and Flints to the said Col. *Samuel Partrigg* at *Hatfield*, for the use of the Forces that may be employed in the Service of the Province on the Western Frontiers, the said Col. *Partrigg* to be Accomptable for the same.

Sent up for Concurrence.

John Morrison a Serjeant under Capt. *John Penhallow* was admitted into the House, and inform'd that he was at *St. George's-River* about 4 or 5 days after the Indians appeared under a Flagg of Truce there, and after making Answer to sundry Questions about the disposition and behaviour of those Indians he withdrew.

Samuel Partrigg Esq; brought down the Bill Entitled, *An Act for Repealing part of the Act for the further Encouragement and Regulation of the Officers and Soldiers retained in His Majesty's Service and Pay of this Government, and for the further continuing the remainder of said Act*, Pass'd in Council, viz. In Council, Read three several Times, and pass'd a Concurrence with the Amendments as taken into the New Draft. Sent down for Concurrence. Read and Concurr'd.

Post Meridiem.

Voted, That Mr. *Daniel Pierce* go up to the Board with a Message that the House desire they would pass upon the Vote for reducing the Forces in the Eastward Parts, who returned that the Secretary informed him that the Matter was under Consideration now.

Voted, That a Message go up to the Board by Capt. *Osgood* to Enquire whether the Board have pass'd on the Vote respecting Capt. *Harman* and Company's Cruize Eastward. Who returned that the Secretary inform'd him the matter was under Consideration.

Voted, That His Honour the Lieut. Governour be desired to Order the Col. of the Regiment in the County of *Hampshire*, to appoint a sufficient Guard to wait on Col. *John Schuyler* from *Westfield* to *Albany* on his return home.

Sent up for Concurrence.

A Petition of Capt. *Jacob Tilton*, shewing that he was employed as Pilot to the Forces Eastward in their March to *Penobscut* the last Winter under the Command of Col. *Thomas Westbrook*, which was Certified under the Hand of the said Col.

Westbrook, praying for what Allowance shall seem meet to this Court to be made him for his said Service. Read, And in Answer to this Petition,

Resolved, That the Sum of *Ten Pounds* be allowed and paid out of the publick Treasury to Capt. *Jacob Tilton*, in full of his Services mentioned in the Petition.

Sent up for Concurrence.

Voted, That there be but Three Surgeons retained in the Service & Pay of the Province, and to be allowed *Five Pounds* only per Month each, to be Posted one at *York*, one at *Casco-Bay*, and one at *Brunswick* at *Fort-George*.

Sent up for Concurrence.

Whereas at present it is not Apprehended to be Serviceable to the Province to make any Expedition against the Indian Enemy by greater Numbers than may be Com-manded by Captains in seperate Companies, Therefore *Resolved*, That no Commanding Officer be allowed more than Captains Pay.

Sent up for Concurrence.

Mr. *Cooke* from the Committee for Petitions, Reported, *viz.*

On the Petition and Accompt of *Nathaniel Tarbox* as entred the 17th. and *Voted* a Non-Acceptance of the Report, and then the Question was put, *Whether the Prayer of the Petition should be Granted?* It pass'd in the Negative.

On the Petition of *Joseph Plummer*, The Committee are of Opinion that the Sum of *l.5 8s. 8d.* be allowed and paid out of the publick Treasury to the Petitioner *Joseph Plummer*, in full discharge of the Petition. Read and Accepted, And *Resolved*, That the Sum of *Five Pounds Eight Shillings & Eight Pence*, be allowed and paid out of the publick Treasury to the Petitioner *Joseph Plummer* in full discharge of the Stores supply'd and mentioned in the Petition. Sent up for Concurrence. [76]

On the Accompt of *Bryant Toole* as entred the 17th. The Committee are of Opinion that the Sum of *l.3 9s. 9d.* be paid out of the publick Treasury to *Bryant Toole* in discharge of this Accompt. Read and Accepted, And

Resolved, That the Sum of *Three Pounds Nine Shillings & Nine Pence* be allowed and paid out of the publick Treasury to the Accomptant *Bryant Toole* in full discharge of the within Accompt. Sent up for Concurrence.

On the Accompt of *John Ames* as entred the 13th. The Committee are of Opinion that the Sum of *l.2 10s. 8d.* be allowed and paid out of the publick Treasury to the Accomptant *John Ames*, in full discharge of this Accompt. Read and Accepted, And *Resolved*, That the Sum of *Two Pounds Ten Shillings and Eight Pence* be allowed and paid out of the publick Treasury to the Accomptant *John Ames* in full discharge of the within Accompt.

Sent up for Concurrence.

Whereas this Government have engaged the Indian Maquois and other Tribes to joyn in carrying on the War against the Eastern Indians, and have agreed that a Premium be given them for Scalps,

Resolved, That when any of those Tribes appear to go out in that Service they be supply'd with Provision and Ammunition at the Charge of the Province without any Subduction or Allowance therefor out of the Bounty for Scalps, and that all Male Persons, upwards of *Fifteen Years* be given and surrendered up to this Government, That a Quantity of Goods suitable for the Indians be sent up and lodged in the hands of *Timothy Dwight* of *Northampton* to the value of *Five Hundred Pounds*, and that the said Mr. *Dwight* advise Mr. Treasurer when the Goods or the greatest part of them are expended, in order for being further supplied, an Invoice with the prime Cost to be sent to Mr. *Dwight* at all times, and that he make no Advance thereon, and be upon Oath for the faithful Performance of his Duty hereby enjoyned him, That when the Indians bring in any Scalps into the County of *Hampshire*, they repair to Col. *Samuel Partrigg*, Col. *John Stoddard*, and *Ebenezer Pomroy* Esqrs; and upon their or any two of them giving out a Certificate that according to such Evidence as they had received, they accounted the Scalps presented to be the Scalps of the Enemy Indians, the said Mr. *Dwight* deliver to the Indians such Sums in Goods or Money as they are Entitled to.

Sent up for Concurrence.

Upon Information that Capt. Jonathan Richardson of Chelmsford hath manifested his desire that he with about Forty or Fifty Men belonging to the most Northwardly Towns in the County of Middlesex who are also disposed to go in quest of the Indian Enemy, to lye upon the Heads of the Rivers or the most likely places to Surprise and Captivate the Indians, Provided, They may be supply'd and paid as the Detached Forces for such time as they shall be in the Service, and receive such Bounty for Scalps as by Law the detached Forces are Entitled to, *Voted*, That His Honour the Lieut. Governour be desired to Commissionate the said *Jonathan Richardson* to Command such Men of those Towns as are willing to engage in this Affair, and that they receive Pay and Subsistance for such time as they remain in that Service in scouting the Woods and passing the Rivers, together with the Premium or Bounty for Scalps as the Detached Forces by Law have.

Sent up for Concurrence.

Then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Veneris Die 20. Septembris, A. D. 1723.

W *Hereas this Court have Voted, That Copies of what was Delivered at the several Conferences had by this Government with the Delegates of the Eight Nations, &c. as well on the part of the Government as the Delegates, and a Duplicate thereof be delivered to the Delegates under the Seal of the Province,*

Resolved, That the Secretary be directed to affix the Seal of the Province to the Copy hereto annexed, and deliver the same forthwith to the Honourable Col. *John Schuyler* for the use of the Delegates.

Sent up for Concurrence by Col. *Dudley*, Capt. *Chambers*, and Mr. *Tay*.

Ordered, That the Clerk prepare a Copy of the Conferences had with the Delegates for the Press.

The several Conferences are as follow, *viz.* [77]

At a Conference begun and held on the 22d. of *August*, 1723. By and Between the Great and General Court of the *Massachusetts-Bay*, and the Delegates of the Six Nations of *Iroquoise* with the *Mohegun* and *Scatacook* Indians, at the Court-House in *Boston*.

HIS Honour the Lieut. Governour and Commander in Chief in the Name of the Court Congratulated them on their Safe Arrival, as follows,

Good Friends and Brethren,

I *Am Glad to see You Arrived here in Health and Safety, and do in the Name of this Great Court bid you Welcome into this Government.*

I do observe with Pleasure the Appearance of so many of the Sachems and Chief Captains of your Tribes, and look upon it as a proof of your Sincere Friendship that you have undertaken so long a Journey pursuant to your Resolutions in the late Treaty with the Commissioners of this Province at Albany.

I make no doubt the Place provided for your Reception and Entertainment is agreeable to you, and due Care is taken to furnish you with all Necessaries for your Refreshment and Comfort during your stay with us.

I Conclude you will be glad to rest your selves a short space, after which it is expected you will proceed to the Business you are come upon.

The same time One of their Chiefs in the Name of the Indians made Reply to His Honours Speech as follows,

YOU (*Hawwanaw* and *Kinsey*) *We Rejoyce that we the Delegates of the Eight Nations both our Councillours and Captains of War are safely arrived in Boston, We take notice that the General Court say we shall want for nothing during our stay here; it was our Resolution when we came from home to wait on this Government here: We desire that the Government may know what we now are about to do, which is to mourn and lament after the way of our Country.*

The Speaker holding Three strings of Wampum in his hand, proceeded, and said, *We are arrived here and before our coming we heard the News at which your and our hearts trembled, We desire to proceed according to the Custom of our Land to wipe off your Tears, The Difficulties you met with (we suppose) have obstructed your Speech, however we desire to be looked on peaceably, and that your Throat may be open to a free Speech; At our first Arrival we met with terrible News, which was repeated, of Persons being killed and wallowing in their Blood, but we hope the Blood will be wiped*

off from the Bench that so we may have freedom of Speech. And the Speaker thereon laid down the three strings of Wampum.

His Honour in the Name of the Court Replied, We take it very kindly that you have Expressed so great Concern for us, and what the Enemy Indians have done no ways lessens the Esteem we have for the *Eight Nations*, and have no further to say at this time, and that if there is any thing that may divert them in the Town until we see them again, the Interpreter shall wait on them, and shew it unto them.

The Indians desired to wait until the Arrival of Col. *Schuyler* before they proceed to further Speech. [78]

August 28th. At the Council Chamber. P R E S E N T, The whole General Court, Col. *Schuyler*, and the Delegates of the Eight Nations.

THE *Delegates* made Three Moans, then their Speaker made a Procession thro' them, lamenting and bemoaning, which continued a long time, being now and then prompted by the *Tribes*; The Procession and Lamentation being at an end, their Speaker took his Seat, and after some time the *Delegates* made another heavy Moan, Then their Speaker arose and said, At our Arrival here We were before this Honourable Court, and then we told you, that we should stay until Col. *Schuler's* Arrival, that so he might hear and see what we will do, which he now may, being present. We now desire you will take notice of what we shall say, Our Hearts as well as yours are trembling at what has happened to you, At our Entrance into this Province our first News was that Blood was shed even the Blood of our Father your Minister, which Blood was spilt by the Hatchet of our Children, and half of this Belt of *Wampum* we lay on his Corps, the other half of this Belt (all the while holding it in his hand) is to lay on the Bodies of all others that have been Slain, that so the Earth may lie in a suitable Posture round and on their dead Bodies, as this Belt of *Wampum* lyeth, laying down the same on the Table, and the Speaker sat down; After some time arose again, and holding a large Belt of *Wampum* in his Hand, said, We desire you may have peaceable thoughts of those that are gone, and that no hindrance may be from thence as to our Treaty with you, and we desire that we may renew our Fire here in this Place, i. e. That this may be the Place of Council, and that while we are here the *Sun* may shine bright, and that there may be no Clouds or Darkness; laying down the Belt of *Wampum*, and sat down.

Thereupon the Lieut. Governour thanked them for their Concern for those that have been Slain, and assured them we were pleased with what they had said, and desired they would proceed with their Treaty as soon as may be, and also His Honour acquainted them with the late Mischiefs done Eastward, and added that

this Court doubted not but the Delegates were sensible the *Eastern Indians* have broke their Faith with them, and that they will have a proper Resentment thereof.

August 29th. In the Council Chamber. P R E S E N T, The Court, &c.

The Lieut. Governour in the Name of the Court made a Speech to the *Indian Tribes*, and laid down some Blankets instead of Belts of *Wampum*.

Friends and Brethren,

I. At your first Meeting with us you wiped off our Tears, We now Remove all Sorrow from your Hearts.

II. Our Hearts and Tongues are now opened to a free Speech with you, and we expect the same from you.

III. You may be assured that the Blood that has been shed is now washed off, and therefore we now proceed to Answer what you said Yesterday.

1. We are glad that Col. *Schuyler* our good Friend and yours is come hither in Safety, and we well approve that he should hear and see what shall pass between us.

2. As to this Belt of *Wampum* which you laid down upon the Corps of your Father the Minister, and of all the others killed by the Hatchet of your Children the *Eastern Indians*, We take it very kindly that you Express so much concern for the Death of our People your Brethren, and we take this Occasion to Condole with you the loss of any of your People.

3. According to your desire we so far entertain quiet and peaceable thoughts as to those that are gone, that no hindrance shall be from them as to our Treaty with you. [79]

4. We are very willing that the Fire should be now renewed in this Place, and that all difficulties be removed, and that you may treat with us here as occasion shall require with utmost freedom. And we pray the Great GOD that made the *Sun* may shine upon our present Treaty, and bring it to a happy Conclusion.

Then the Indians made Three Huzza's to denote their Satisfaction and Assent to what had been said. After which one of the Delegates repeated what had been said, and also of the great Trouble they had been at in coming here, and what had been told them was matter of Importance, and required time to consider of, and took what had been said kindly, and Thankfully acknowledged the kindness shewn them, that when they came to the Treaty they hoped that the Devil would have nothing to do therein, and that as to the last Article in the Governours Speech, they would do what they can, and follow the steps of their Fore-fathers.

Septemb. 2d. P R E S E N T, The whole Court, &c.

After an Introduction or desire of Attention the Delegates by their Speaker made the following Speeches.

Formerly we lived alone, and were Masters of this Land, afterwards One came over the Seas from a-far who had a Skin like one of us, and entred our Land, and was Master of our Rivers, who we had discoursed with, and was welcome to us, he was a *Spaniard*, after this arrived the *Dutch* who brought with them many things we wanted and never saw before, We gladly saw them and there was great Joy on both sides, who sat down where our *River* Indians now live, after whom came the *English*, who had a dispute with the *Dutch*, and afterwards the *English* and *Dutch* became Brethren, and were Masters of the Land together: And from this began his Speech. Upon this Agreement between the *English* and *Dutch* they had acquaintance with the *Maquoi's* and the other Indians which has been handed down from time to time to us, and from hence it is that this Government is called, *THE BROADWAY*. The reason why there has been such a love between us and the *English* was because they had what suited us, and we had what suited them, and so we have since been Brethren and entred into a Covenant between us, which was not to be broken, You have fulfilled all your Promises to us, and we have done the same to you: And holding a Belt of *Wampum* he said, This Belt of *Wampum* Renews the said Covenant, and that we may treat one the other under the *Great Tree* planted at *Albany* signified by this Belt with all freedom and kindness as Brethren. At the first Arrival of the *English* we did not take so much care of their Vessel as we have done since, but did only fasten it with a Cord of Grass, after this our Love to them caused us to take more care and fasten their Vessel with a stronger Cord, carrying it up and fastening it to the Great Mountain the *Seneca's* Country, least that the Vessel should be driven from us, and we lose their Friendship: It was our Fore-fathers pleasure afterwards to kindle a Fire at *Albany*, at which they might light their Pipes, this Fire was kindled at *Albany*, not at *York* nor at *Boston* nor at *Virginia*, nor any where else, that was the thought and pleasure of our Fore-fathers that the good Treaty the *English* then had with us might not bleed, nor we find any trouble about it. Thereon laid down a Belt of *Wampum*. Continuing,

The Tree that was planted by our Forefathers at *Albany* was such that it reaches up to the Heavens, and may be seen by every body, which has also been supported by us, *Queder*, and the Government of *York*. In the first place we took hold of one anothers Hands, and afterwards with a String, then with a Chain which was strong: Finally, You offered a *Golden Chain* which has firmly bound us ever since, and will continue to hold us and our Children for ever, which is agreeable to our Councillors and Men of War, this is according to the Covenant and Treaty we entred into and will continue to the Worlds end, and will never grow old; For our *Covenant Chain* is such, that if a vast Tree should fall thereon it will not break, yea if the Thunder should fall upon it, yet it would hold fast, but [80] if it might happen to break, yet we would again renew it. When we first entred into Covenant we agreed to have but one Heart, one Head, one Life, this is what we Obliged

our selves to, we now again fasten the *Chain* and make it stronger and stronger least some Evil Spirit should come amongst us, we also make it as bright as possible. And thereon laid down a Belt of *Wampum*.

Then taking into his Hand another Belt of *Wampum* proceeded,

This Belt of *Wampum* is to desire you our Brethren may never endeavour to withdraw your hands, but that it may henceforward be as always it has heretofore been, that from this time forward you are desired to look upon the *Sun*, that it may be a perpetual Memorial between us: And thereupon laid down a Belt of *Wampum*, and sat down.

After which he arose and proceeded,

That the *Six Nations*, & the *Two Nations* their Nephews would set up a Tree next adjoining to the Tree set up for the Government of *New York*, which Tree should be seen throughout the whole Earth. And thereupon laid down a Belt of *Wampum*. Then Continuing,

Our Brother, We will fix a Tree for you at *Albany* that so you may know our Sincerity, adding, We now spread a Cloth for those to set on that shall come to the Tree: laying down a Coat of Bever. We desire also that if any of our Nations shall come again as Messengers, or for further Treaty, they may be well received and Entertained: This is the spreading we have laid under the Tree for those to sit upon that come to *Albany* to Treat with us, and we desire such care may be taken of it that it may not be defiled with Blood, for it is our Custom to Fight when the Carpet is defiled with Blood. Then laid down a *Pack of Skins*.

Then taking another Belt of *Wampum* in his Hand, said,

This respects more People that are gone from us, and have settled in *Canada*, naming *Chucknawaugaw*, & *Oso Recollect*, and other Indians that have not medled in the War. We the *Eight Nations* have agreed that Col. *Schuyler* be desired to draw those Nations down to be Tyated with, that so they may be kept in Peace with the *English*. We do not mean that Col. *Schuyler* should go himself, but that he should send some Persons upon this Affair. And laid the Belt down for Col. *Schuyler* to send.

We were desired to come to *Albany* to renew the Covenant with you, which we did rejoycing, but behold in a short time the matter is turned to another thing, Your Commissioners proceeded after we had renewed the Covenant to put the Hatchet into our hands, which we laid by our side, not supposing it would come to what it is: We told the Commissioners we would take a Coal from *Queder's* Fire and bring here to *Boston*, which the Eastern Indians our Children have been acquainted with in Order for their meeting us and you here in *Boston*, but they refusing to come and meet here, and having spilt the Blood of the *English* our Brethren, therefore We the *Six Nations* and the *Two* other Tribes now lay hold of the *Hatchet* which you offer.

Now our Brother the *Broad Way* and *Pyncheon*, Let us make no mistake in our Management, it belongs to Him that is at home His Present Majesty, We are as a Field to a Man's House, we desire that this Belt of *Wampum* may cross the Seas, and our Eyes will be upon that, that we may not go astray, we desire that this Belt may be offered to His Majesty, that so He may consider of it, that He may know how we are bleeding of our Wounds, for it is He that manages War and Peace. We say, that we have fast hold of the *Hatchet* as you have, but we desire this Belt may be immediately sent to His Majesty, that so His Pleasure may be known, and as soon as the Head of the Canoe or Vessel strikes the shoar, we desire you would send directly to us, and we will come forthwith. And then laid down the said Belt of *Wampum*.

We now having Accepted the *Hatchet* from you as Soldiers, have put a large *Eye* into your Heads that you may look about you, that so you may see further than ever you did: We desire that during the time of this Belts going over and returning, you would have a good care to look about you, you well know the [81] paths they have heretofore come in they are the same they now come in, therefore as you know them we desire you would be very careful by your looking about, perhaps you may Captivate some of them and thereby you and we may know how many of them there be that hurt you, for we cannot now tell who they are, nor how many they be. And thereupon he laid down a Belt of *Wampum*.

We are now proceeding upon what was agreed upon by Our Forefathers, it is only multiplying Words to Repeat it, we desire you would take particular notice of *This* which is our *Death* and yours. We desire that this may always be kept in memory that this which we call *Death* may appear, when a Great Army of Men appear against you that a *Post* may go Night and Day to us through our whole Country, this we call a *Candle*, and may walk Day and Night, and may give Intelligence to one another of any danger.

Now our Brethren, The *BROADWAY* & *Pyncheon*, and all that are here present, this is to let you know these are the Articles we have to lay down before you, what Articles we have engaged in, are not of small importance, but what we heartily engaged in: what we have said lies before you. Thereupon laid down a Belt of *Wampum*. There is another thing which we did not come upon, but it is the Custom on our Treaties to have our *Hatchets* and *Kettles* put in Order.

The Lieut. Governour in the Name of the Court said, That the Expressions of Friendship now made by the Delegates are as *Great* as the *Tree* mentioned by them, and the Articles being of Concern will be answered the next time of Treaty.

Septemb. 6th. The Lieut. Governour in the Name of the Court made Answer to the several Articles mentioned by the Delegates in the last Meeting.

Friends and Brethren,

1. **W**E have observed with Satisfaction the Account you have given Us of your first Acquaintance with the *English*, and of the several Treaties between us and your Nations from the beginning to this Day, which we find agreeable to our Ancient Records, and to the Account given us by our Forefathers of the same, and are glad to find that by so often renewing the Covenant, the Friendship between us and you has been so strongly confirmed and continued without any Infraction as at this Day: And as we have hitherto inviolably kept all our Promises to you, so we do now again assure you of our constant Friendship to you for the future, and that you may at all times treat with us as Brethren whenever we meet together.

Then a Piece of Plate with the Figure of a *Turtle* Engraved thereon was laid down.

2. We agree with you to have but one Hand and one Heart, and are desirous that the Friendship between us should remain in it's force and vigour to the Worlds end, and we are well pleased to find that the Union is so strict between us that no evil Spirit shall be able to break or disannul it.

Than a Piece of Plate with the Figure of a *Heart* Engraved thereon was laid down.

3. You here see in a General Assembly the whole Government of this Province, who do in a publick manner engage that they will not withdraw their Hands from the *Golden Chain*, but will endeavour to keep it bright and strong as long as the Sun shall endure.

Then a Piece of Plate with the Figure of the *Sun* Engraved thereon was laid down.

4. We take notice you propose to set up at *Albany* a Tree of Treaty with us, near the Tree that is set up for the Government of *York*, which we allow to be a proper Place when there is a General Treaty of the several Governments with the Six Nations, But when there is a Treaty of this Government only, we judge the proper Place to be either here in *Boston*, or some other Town within this Province as we and you shall agree, especially since we are more capable of giving you good Treatment and Entertainment in this Province than in any other place.

Then a Piece of Plate with the Figure of a *Tree* Engraved thereon was laid down. [82]

5. We have already by our Commissioners when at *Albany* sent some *Blankets* to the Tribe of *Cagnewaga* Indians, who have received the same very kindly, and we shall desire and enable Col. *Schuyler* (whose Readiness and Fidelity in serving us and you has been always manifest) to go on in engaging not only those Indians but also others who have not already taken part with the Eastern Indians, to continue in Friendship with us and you.

Then, a Piece of Plate with the Figure of a *Bear* Engraved thereon was laid down.

6. We take notice that out of Tenderness to the Eastern Indians (whom you Term your Children) you had laid by you the *Hatchet* we had offered you, because those Indians had laid their *Hatchet* at your feet, by that Action disarming themselves, and engaging to forbear all further Acts of Hostility against us, but now that instead of coming hither, they have cast the utmost Scorn and Contempt upon you, and in defiance both of us and you at the very time they should have met you here, have fallen upon our People your Brethren all along the Frontiers and spilt their Blood, and thereby given the most convincing Evidence of their Great Falshood and Treachery, we think you could do no less in Justice to your selves, and in Friendship to us, than to take up the *Hatchet* against them as you have done, especially since you assured our Commissioners at *Albany* that in case those Indians should smite any of our People your Brethren again, that you should feel the smart of it your selves, and that you would joyn together and fall upon them.

Then a Piece of Plate with the Figure of a *Hatchet* Engraved thereon was laid down.

7. We observe your desire that a Belt of *Wampum* should be sent forward to His Majesty King G E O R G E, which shall be done so far as to Represent to His Majesty your readiness to joyn with us against the Eastern Indians, and thereupon to Recommend you to His Favour; but this Government having full power from His Majesty to make War upon those Indians, you have no reason to delay going out against them, 'till an Answer comes back from the King, but since you have made it known to a Committee of this Court, That you are desirous to bring in some other Tribe to your Assistance, or at least to engage them to stand Neuters, and that several of your Fighting Men are now Warring against a Nation of Indians living at a great distance from you, whom it will take some time to Recall, and you having offered this as the reason for your not generally proceeding against the Eastern Indians at this time We accept, as having weight in it, and desire you will dispatch those matters as soon as may be, that so you may then with the Body of your Fighting Men vigorously pursue the Enemy, but we expect that in the mean time you will allow and encourage such of your Young Men as shall incline to proceed immediately against them: The sparing a small Number of your Men can be no way injurious to you, but may be of Service to us, and you may depend upon it that according to our Promise made by our Commissioners at *Albany*, they shall be well rewarded; Let this matter have a proper Consideration and your Answer with what dispatch you can.

Then a Piece of Plate with the Figure of a *Ship* Engraved thereon was laid down.

8. We think your Proposal very Reasonable, that if any Number of the Enemy

should be discovered by us coming against you, that a Post should go by Night and by Day to inform you of the Danger, and we expect that you will take care to dispatch to us the same Advice on all Occasions.

Then a piece of Plate with the Figure of a *Wolf* Engraved thereon was laid down.

We have already given Orders that your Guns, Hatchets, and Kettles, should according to your desire, be mended at the Charge of this Government. [83]

September 11th. Meeting of the Court and Delegates, &c. In the Council Chamber.

THE Lieutenant Governour tells them that the Court understand that two Articles in their Speech, they thought was not fully answered, which now shall be spoke unto, and made the Speech as follows, These Blankets are an enlargement of the Carpet or Covering you have spread under the Tree for our Commissioners and your Delegates to sit upon at any after Treaties we shall have. We kindly accept your Caution to look out and discover the motions of our Enemy, and shall endeavour to secure our People, and hope that we and you shall Captivate some of the Enemy, by whom we may gain Intelligence that may be a direction to us.

Indians Answer,

We have spread a Cloth under the Tree we have set up for you at *Albany*, we return Thanks that you also have done the same, we return Thanks also that the General Court have answered us as to our Proposal for looking out for the Enemy and Captivate some of them. When we were here last you answered us as to our several Articles which was to our Satisfaction, and we Thank you for it, but we are impoverished and have no Belts left to give you, you desired us Old Men that we would not be opposite to our Young Men's going out; we will be no hindrance to them, but it shall be as you desired, most of them are at present abroad, but when they return we will inform them of this. Our Customs are not as yours, we the Councillors cannot command Young Men to go out, Captains of War must move first in that Matter.

As to your Proposal of having a Tree of Treaty set up in this Province when we Treat with this Government only, we observe it, and as it is said, it is fit to meet at *Albany* when the Treaty is with this and the other Governments together, but to meet in this Province when the Treaty is particularly with this Government we acquiesce in it, but desire that such Treaties may be in the first Town in the Province, because it is with great difficulty our Old Men come hither.

We brought a Coal with us, and have kindled the Fire here, and now having gone through our Treaty of Peace, and what has followed, we now desire to return and carry back the Coal with us.

The Lieutenant Governour told them, That what they said was as acceptable as if they laid down their Pledges at the same time, We take it very kindly that you have Promised not to discourage your Young Men from going out as soon as may be. I see a great many of your brave Young Men here, and if they will now go out it will be very acceptable, and they shall have all possible encouragement. I suppose you are all acquainted with the Reward allowed by the Government for Scalps, if not you shall have Copies of the Act. We apprehend you are fully engaged in the War with us, and we shall be very punctual in performing our Promises to you. We desire you should see the *Castle* to morrow, and shall have a Vessel ready to carry you down thither.

An Indian standing up held a Belt in his hand, said, We desire our Brother *The BROAD WAY* and *Pyncheon* would hear what we have to say, It is an hard Thing, and as much as we can do to speak it, Delivering the Belt of *Wampum*, We the *Six Nations* have considered both what was said last Year and this.

You have several of our Nephews in your Prison, we desire that the Doors may be opened, and that they may be delivered to us, there are Five of them. We have knowledge of all you have done, and you of what we have done, and we hope all is well done: When you have answered this Proposition, we shall turn our Faces homewards.

The Lieut. Governour said, We have done at present, but they shall have our Answer another time. [84]

At a Conference held in the Council Chamber on the 17th. of September 1723.

P R E S E N T, The Lieut. Governour, Council and Assembly, Col. *Schuyler*, and the Delegates.

THE Lieut. Governour in the Name of the Court acquainted the Indian Tribes, That the Court took notice that the Delegates acquiesce in our Proposal, that particular Treaties between us and them should be in some place within this Government, and that they desire it may be in the first Town in the Province because of the difficulty of their Old Men coming hither: We therefore fix upon *Deerfield* as the place for future Treaties; and thereon in the Name of the Court delivered them a Belt of *Wampum* with a Seal in a Silver Box appending.

And His Honour further acquainted them, That the Court had taken into Consideration their desire that *Paucaunalmett*, his Wife, and three Children, whom we have in Custody might be delivered to them, as a mark of our Great Friendship to them, We Consent thereto, and they are here ready to be delivered to you, if you will engage to take them home with you, and that they shall for the future demean themselves as Loyal Subjects to King G E O R G E, and peaceably towards all his Subjects; and accordingly they did engage, and the said *Paucaunalmett* and his Family were delivered up, and then he declared he would be as One of the *Maquois*, and conform himself to them and Fight with them. The Lieutenant

Governour added, As you have Consented that your Young Men should go out against the Enemy as soon as they can get themselves ready, we have provided a *Medal* which is left in Col. *Schuyler's* hand, to be presented to the Captain of the First Party that goes out against the Indian Enemy.

And then the Lieutenant Governour in the Name of the Court went on and made the following Speech: That this Government are willing and desirous to Instruct One or Two of their Young Sons of each of their Tribes at our *College*, so as to accomplish them with Learning sufficient to enable them to Teach the Tribes the Knowledge of the Christian Religion, the only True and Saving Faith, and we desire to know if they do Accept of it, and in the mean time, we are willing to provide them with a Minister and Schoolmaster, if they will Accept and kindly Receive them.

To which the Indians Answered, We will consider of it, and give you our Answer. After which two Young Men more offered to go immediately into the War Eastward, and Sang a War Song: Four of their Young Men having offered privately before to go into the War.

September 18th.

THE Tribes waited on the Court in the Council Chamber to take leave and said, They would acquaint their several Tribes of the last offer made by the General Court, for which they were Thankful, and would acquaint Col. *Schuyler* with their Resolution therein, and then after Nine Huzza's, according to their Custom, took leave of the whole Court.

Province Seal. *September 20th. 1723.* The Foregoing Articles were Stipulated and Agreed upon by and between the Great and General Court of the Province of the *Massachusetts-Bay* in *New-England*, and the Delegates of the Six Nations of *Iroquoise*, with the *Mohegun* and *Scatacook* Indians, at the several Conferences had with them in the present Session.

In the Name and by Order of the }
House of Representatives *John Clark*, Speaker.

In the Name and by Order of His Majesty's Council.
J. Willard, Secr.

By His Honour the Lieut. Governour.

I Consent, Wm. DUMMER. [85]

Jonathan Belcher Esq; brought down the Report of the Committee about giving Instructions to Col. *Schuyler*, Passed in Council, viz. In Council *September*

19th 1723. Read, and *Ordered*, That this Report be Accepted with the Amendments. Sent down for Concurrence.

Read and the Amendments A. B. C. D. E. & F. Concurred with an Amendment, viz. *Provided nevertheless, That upon any Sudden or Emergent Occasion of following the Enemy which would be defeated by their coming to Deerfield, That in such case the said Col. Schuyler be allowed to Supply them according to his best Discretion.* The Amendment G. Non-Concurred, and the House Accept that Part of the Report as it stands. Sent up for Concurrence.

An Accompt Signed *Jonathan Pollard* amounting to *l. 2 6s. 5d.* for the Committee of both Houses Expences, in Treating with the Delegates.

Read. And,

Resolved, That the Sum of *Two Pounds Six Shillings and Five Pence*, be allowed and paid out of the publick Treasury to the Accomptant *Jonathan Pollard*, in full discharge of this Accompt. Sent up for Concurrence.

An Accompt of the Committee appointed to prepare the Present made to the Delegates Sign'd *William Tailer* amounting to the Sum of *l. 489 6s. 9d*

Read. And

Resolved, That the Sum of *Four Hundred Eighty Nine Pounds Six Shillings and Nine Pence*, be allowed and paid out of the publick Treasury to Mr. *Ezekiel Lewis* to be by him repaid to the several Persons to whom the same is respectively due as by their particular Accompts referred to in the within Accompt, and is in full discharge of this Accompt.

Sent up for Concurrence.

An Accompt of *Bryant Toole* for going express from *Boston* to *York*, and back again, Horse hire, &c. by Order of this Government. Read. And

Resolved, That the Sum of *Fifty Shillings* be allowed and paid out of the publick Treasury to the Accomptant *Bryant Toole* in full discharge of the within Accompt. Sent up for Concurrence.

Penn Townsend Esq; brought down the Report of the Committee about giving Instructions to Col. *Schuyler*, sent up this Morning, Passed in Council, viz. Read and Concurred with the Amendment mark'd O, and Non-Concurred with the Article in the Report, mark'd G. and the Board adhere to their Amendment, *For that the Affairs relating to the War, are more immediately, under the Direction of the Commander in Chief, and for that, Advices transmitted to the Government ought of course to be directed to Him.* Sent down for Concurrence.

Read. And

The Question was put, *Whether the House would Concur with the Vote of Council respecting the Amendment mark'd G?*

It Passed in the Negative, *Nemine Contradicente.* And

Voted, That he be desired to give Advice from time to time of all Motions of the Enemy that shall come to his Knowledge, to the chief Military Officer of the

County of *Hampshire*, to be by him forthwith transmitted to the Commander in Chief for the Time being. Sent up for Concurrence.

An Accompt Signed *David Melvil*, amounting to *l. 13 4s.* for Keeping and Subsisting Nine *Indian* Prisoners from the 7th of *August* past to the 17th Currant.

Read and referred to the next Session for further Consideration. [86]

Adam Winthrop Esq; brought down the Report of the Committee about Col. *Schuyler's* Instructions, Passed in Council, viz. Read and Concurred with the Amendment. Sent down for Concurrence. The Amendment of the

Board is, ——— *It being necessary they should have the earliest Notice of their Danger.* Read and Concurred.

Voted, That all Petitions and Things which have been referred to or presented this Session, and not yet passed upon, be continued over to the next Session.

Voted, That the Garrison at Fort *George* at *Brunswick* be reduced to Fifteen Men and an Officer, and that His Honour the Lieutenant Governour be desired to give his Orders accordingly. Sent up for Concurrence.

Post Meridiem.

Ordered, That Capt. *White* and Capt. *Nowell* go up with a Message to the Honourable Board, to Inquire what has passed on the Votes respecting the Forces Eastward.

Penn Townsend Esq; brought down the Vote about the Premium to be given to the Indian *Maquois*, and other Tribes for *Scalps*, Passed in Council, viz. In Council Sept. 20th 1723. Read and Concurred with the Amendments.

Sent down for Concurrence. Read and Concurred.

A Petition of *James Brentnall*, praying that an Estople of *Eight Pounds* may be taken off from his Wages on Accompt of a Gun he received belonging to the Province, and not returned when the Roll passed, wherein his Wages was inserted, he having now produced a Certificate from Mr. Treasurer, that he had returned a Gun into the Treasury. Read. And

Resolved, That the Prayer of the Petition be granted, and that the Treasurer be directed to pay him *Eight Pounds* accordingly. Sent up for Concurrence.

Resolved, That the Commission and Warrant Officers and Soldiers at Castle *William* be paid out of the publick Treasury in manner following, viz. The Captain *One Hundred and Twenty Five Pounds* per Annum, The Lieut. *Seventy Five Pounds* per Annum, The Gunner *Fifty Pounds* per Annum, Six Quarter-Gunners *Forty Five Shillings* per Month each, Two Serjeants *Forty Five Shillings* per Month each, Two Corporals and a Drummer *Thirty Seven Shillings* per Month each, and Twenty Five private Centinels *Thirty Shillings* per Month each; and a Chaplain to be allowed *Sixty Two Pounds Ten Shillings* per Annum: Provided: That on the Enlistment of the said Gunners, Serjeants and Corporals, and private Centinels,

they be able-body'd, good effective Men, Provided also this Duty be by the aforementioned several Officers performed, *viz.* That the Captain be upon the Place at least Three Days in a Week, and as oft else as necessary Occasions call for him, except in case of Sickness, or something extraordinary happening, or such other time or times as he may obtain leave for from the Captain General or Commander in Chief for the time being, That the Lieutenant be constantly there, except when he shall have leave from the Governour or Commander in Chief for the time being, or from the Captain of the Castle, That the Gunner reside there; and that the Captain and in His Absence the Lieutenant do take effectual Care, that the Officers and Soldiers there in Pay be constantly disciplin'd, more especially the Quarter-Gunners, in order to make them the more expert in the Exercise of the Great Artillery in Levelling, Traversing, Loading, and Firing the Guns, &c. that so in time they may be capable of that Duty in actual Service. And this present Establishment to Commence and begin from the making up the [87] last Muster-Roll of that Garrison, and from thence to be in Force and Vertue until the Term of Four Years be expired, Provided, that it be made to appear to this Court before any Muster-Roll for that Garrison be passed for Payment, that the Officers and Soldiers have performed the Service enjoyned by this Establishment. And the former Establishment made in the Year 1700, is hereby declared to be null and void & at an end. And for the further Encouragement of the Warrant Officers and Soldiers that shall Enlist at the said *Castle*, of so great Importance to this Government, It is hereby further *Resolved*, That the Sum of *Three Pounds* with a Red Coat not exceeding *Four Pounds* value, shall be allowed to each good effective able body'd Man as aforesaid, and no other, and that no Indian, Negro or Molatto (except One Servant of the Captains) be Enlisted or Retained in the Service at the *Castle*, and no other Man unless he be *Sui Juris* Enlisted as aforesaid. Sent up for Concurrence.

Then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Sabbati Die 21. Septembris, A. D. 1723.

MR. Secretary brought down an Engross'd Bill, Entitled, *An Act for Repealing part of the Act for the further Encouragement and Regulation of the Officers and Soldiers retained in His Majesty's Service and Pay of this Government, and for further Continuing the Remainder of the said Act.* Read, and

Resolved, That the Bill do pass to be Enacted.

William Tailer and *Jonathan Belcher* Esqrs. brought down the Vote about the Disposition of the Forces Eastward, Pass'd in Council, *viz.* In Council *Septemb. 20th. 1723.* Read and Concurr'd with the Amendments.

Sent down for Concurrence.

Read, and the Amendments A, B, & C, Concurr'd, The Amendments D, & E. Non-Concurr'd. And the House insist on their own Vote.

Penn Townsend Esq; brought down the Accompt of the Committee appointed to prepare the *Present* for the Delegates, with the Vote of the House thereon, Sent up yesterday, pass'd in Council, viz. In Council, *Septemb. 21st. 1723.* Read and Concurr'd with the Amendment, viz. dele Mr. *Ezekiel Lewis*, and add *William Tailer* Esq; Sent down for Concurrence. Read and Non-Concurr'd *Nemine Contradicente*, and the House insist on their own Vote.

An Accompt Sign'd *William Tailer* and *Jonathan Belcher*, amounting to *l.38 1s.* for Entertaining the Delegates at the Castle by Order of this Court. Read, and

Resolved, That the Sum of *Thirty Eight Pounds & One Shilling* be allowed and paid out of the publick Treasury to the Honourable *William Tailer* Esq; to be by him repaid to the several Persons to whom the same is respectively due, as by their Notes, &c. referred to in the above Accompt, and is in full discharge of the same.

Sent up for Concurrence.

An Accompt of the Committee appointed by this Court to make Provision for the Delegates, and sundry Notes for Shirting, making the Silver Plates presented to them, and sundry other Charges, &c. amounting in the whole to the Sum of *l.483 8s. 8d.* Sign'd *Addington Davenport*, *Thomas Fitch* and *Ezekiel Lewis*. Read,

And *Resolved*, That the Sum of *Four Hundred Eighty Three Pounds Eight Shillings and Eight Pence*, be allowed and paid out of the publick Treasury to the Honourable *Addington Davenport* and *Thomas Fitch* Esqrs. to be by them repaid to the several Persons to whom the same is respectively due as by their particular Accompts referred to in this Accompt, in full discharge of the same.

Sent up for Concurrence. [88]

Adam Winthrop and *Samuel Thaxter* Esqrs. brought down the Vote about Capt. *Harman* and Company making a Cruize Eastward, pass'd the 13th. Currant, Pass'd in Council, viz. In Council *Septemb. 21st. 1723.* Read and Concurr'd with the Amendment, viz. dele from — *and that he have it, &c. — to convey them to Boston.* Sent down for Concurrence. Read and Non-Concurr'd. For

that this Government have sufficient Cause to fear that the *French* residing in those Parts are fully supply'd with all sorts of Provisions and War-like Stores from hence, by which indirect Means the Enemy Indians are the more enabled to prosecute their Spoils and Depredations upon us.

A Message from the Board by *Samuel Dowse* Esq; That they desire the House would consider of some suitable Allowance to be made to the Commissioners that went to *Albany*, they having had nothing yet.

An Accompt Sign'd *John Flagg*, amounting to *42s.* for sundry Journies and Disbursements in the Service of the Province. Read, and

Resolved, That the Sum of *Forty Two Shillings* be allowed and paid out of the publick Treasury to *John Flagg* in full discharge of the above Accompt.

Sent up for Concurrence.

An Accompt of *Richard Hall*, for the Expences of the Committee of the Court,

amounting to *l.13 10s. 6d.* Read and *Resolved*, That the Sum of *Thirteen Pounds Ten Shillings & Six Pence* be allowed and paid out of the publick Treasury to the Accomptant *Richard Hall*, in full discharge of the above Accompt.

Sent up for Concurrence.

Whereas the sundry Forts and Garrisons that are maintained at the Charge of this Province do demand large Quantities of Stores of War and other Necessaries, and no Account given to this Court how they are Expended,

Resolved, That the Commanding Officer of each Fort or Garrison do prepare a true Inventory of all the Stores belonging to the several Garrisons under their Command, and transmit the same unto the Treasurer's Office, to be by him laid before this Court at their next Session, in order for being supplied with what may be then deemed necessary, and that the aforesaid Officers and their Successours do twice a Year at least send an Account of the Expences of the Stores under their Care as aforesaid. Sent up for Concurrence.

Voted, That there be a Day set a part for Publick Prayer with Fasting, to Implore the Favour of Almighty GOD towards this Province, under our present Difficulties, more especially with respect to the present distressing War with the Indian Rebels; and that His Honour the Lieutenant Governour with the Advice of the Council be desired to Appoint the Day. Sent up for Concurrence.

Paul Dudley Esq; brought down the Vote for a New Enlistment at His Majesty's Garrison at Castle *William*, pass'd in Council, *viz.* Read & Concurr'd with an Amendment, *viz.* before the Words, That the Gunner reside there, add, *That the Chaplain Read the Scriptures, and Perform daily Prayers, Morning and Evening in the Chappel, and Preach twice every Lord's Day, except in case of Sickness, or Absence by leave of the Captain.* Sent down for Concurrence.

Read and Concurred.

An Accompt of *Francis Holmes* for the Expences of sundry Committees of the Court, amounting to *17s. 8d.* Read. And

Resolved, That the Sum of *Seventeen Shillings and Eight Pence* be allowed and paid out of the publick Treasury to the Accomptant *Francis Holmes* in full discharge of the above Accompt. Sent up for Concurrence. [89]

Post Meridiem.

In Answer to the Message from the Honourable Board this Morning proposing some suitable allowance may be made to the Commissioners that went to Albany, they having as yet received nothing.

Voted, That upon the returning the Sum of *Two Hundred Forty-five Pounds Six Shillings and One Penny*, remaining in the Commissioners hands, and a proper Examination had of their Accompts, The House will enter into the Consideration of an Allowance for them.

Penn Townsend Esq; brought down a Certificate from Capt. *Thomas Durell* of His Majesty's Ship *Sea-Horse*, that by Order of His Honour the Lieutenant Governor and Council, he received on Board said Ship, *Lewis Le Trail* Pilot *extra* on the Coast of *Nova Scotia*, which he well performed for the space of two Months. Also a Certificate from Mr. Secretary that the said *Le Trail* was appointed Pilot as aforesaid. Passed in Council, *viz.* In Council *August 12th. 1723.*

Read and Sent down.

Read. And

Resolved, That the Sum of *Eight Pounds* be allowed and paid out of the publick Treasury to Mr. *Lewis Le Trail* in full of his Service as Pilot *extra* as aforesaid.

Sent up for Concurrence.

Ordered, That a Message go up to the Honourable Board, to inquire what they have passed on the Votes of the House sent up the 19th, about reducing the Number of Surgeons, and the Pay of the Officers and Surgeons.

The Messenger returned, That the Vote about the Surgeons was Concurred, but the Vote respecting the Pay of the Officers was Non-Concurred.

Ordered. That Col. *Dudley* go up with a Message to the Honourable Board, to desire they would please to send down those two Votes.

Edward Bromfield Esq; brought down the said Votes.

Jonathan Dowse Esq; brought down the Vote about Capt. *Harman* and Company's Cruize Eastward, sent up this Morning. Passed in Council, *viz.* In Council *September 21st. 1723.* Read and Non-Concurred, and the Board adhere to their Amendment.

The Vote of the House of the 19th, reducing the Pay of the Officers in the Service of the Government, Read. And

The Question was put, *Whether the House would reconsider their Vote?*

Resolved in the Affirmative.

The Vote of the House passed this Morning on the Vote of Council of the 20th, respecting a former Vote of the House of the 11th Currant, about the Disposition of the Forces Eastward. Read. And

The Question was put, *Whether the House would reconsider their Vote passed this Morning?*

Resolved in the Affirmative, so far as that the House Concur with the Amendment of the Board E, and *Voted*, That the Majors Pay be allowed to the Chief Commanding Officer of the Forces Eastward.

William Tailer and *Spencer Phipps* Esqrs. brought down a Receipt from Mr. Treasurer *Allen*, dated *Septemb, 21st. 1723.* for the Sum of *l.245 5s. 1d.* on the *Albany* Accompt, from Col. *William Tailer* Esq; with the Vote of the House Sent up this Afternoon, about making some suitable Allowance to the Commissioners that went to *Albany.* [90]

Spencer Phipps Esq; brought down the Vote about Capt. *Jonathan Richardson*

going out in Quest of the Indian Enemies, pass'd in Council, *viz.* In Council *Septemb. 21st. 1723.* Read and Concurred, *Provided, The Officers and Soldiers be under the same Regulation and Discipline with the other Marching Forces in Pay.*

Sent down for Concurrence.

With a Message, That the Board by their Amendment on the Vote of the House for Encouraging Capt. *Richardson's* going out, intend no otherwise than that the Soldiers while in actual Service abroad, shall be obedient to their Officers, and shall send a Journal of their Proceedings to the Commander in Chief for the time being, as the Officers and Soldiers are Obliged to by Law.

Read and Concurr'd.

A Muster-Roll of the Company at His Majesty's Garrison at Castle *William* under the Command of the Honourable *William Dummer* Esq;

Read and Referred to the next Session for further Consideration.

Ordered, That Mr. *Remington* go up with a Message to His Honour the Lieut. Governour to acquaint Him that the House have nothing of Business lying before them, and desire they may rise. Who returned, That His Honour asked him, what had pass'd on the Muster-Roll of the Garrison at Castle *William*; That he answered His Honour, 'twas referred to the next Session.

Upon a Motion made, the Question was put, *Whether the House would reconsider their Vote respecting the Muster-Roll at Castle William being referred to the next Session?* It pass'd in the Negative.

Penn Townsend Esq; brought down the Vote about reducing the Forces Eastward, pass'd in Council, *viz.* In Council *Septemb. 21st. 1723.* Voted, That the Garrison at *Small-Point* be continued, the Entry of that Amendment being omitted yesterday. Sent down for Concurrence.

Read and Non-Concurr'd, and Sent up, with a Message that the House have referred the Muster-Roll of the Garrison at Castle *William* to the next Session.

A Message from the Board by *Jonathan Dowse* Esq; that the Board desire to know, whether the House have pass'd on the Commissioners Accompts that went to *Albany.* Mr. Speaker inform'd him, That the House had pass'd on it a long time ago, and that what was done they would find in the Printed Votes.

A Message from the Board by *Spencer Phipps* Esq; *viz.* Mr. Speaker, *The Board having Concurr'd for reducing the Garrison at Brunswick propose to the Consideration of the House, that the Five Men taken off, with five more be allowed to the Fort at St. Georges-River for the present.* Read, And the Question thereupon was put, *Whether the House would reconsider their Vote about the Block-House at St. Georges-River.* It pass'd in the Negative.

A Memorial of Capt. *Daniel Pecker*, shewing that he is desirous of Serving the Government with a Company of *Forty* or *Fifty* Volunteers, which he can raise out of the Towns of *Haverhill* and other Adjacent Towns thereto, to go in Quest of the

Indian Enemy, in the most likely places to Surprize and Destroy them, Provided they may be Supply'd and Paid as the Detached Forces are. [91]

Read, and *Voted*, That His Honour the Lieut. Governour be desired to Commissionate the said *Daniel Pecker* to Command such Men of the Towns within-mentioned as are willing to engage in this Affair, and that they receive Pay and Subsistance for such time as they remain in that Service in Scouting the Woods, and passing the Rivers, together with the Premium or Bounty for Scalps, as the detached Forces by Law have, and that he be obliged to send a Journal of his Proceedings to the Commander in Chief, as the Commanding Officers of the Marching Forces are by Law Oblig'd to do. Sent up for Concurrence.

Then the House proceeded to consider of the several Members that had not Attended their Duty in the House this present Session, and passed the several respective Fines upon them for Delinquency, as follows, *viz.*

Capt. *Henry Rolfe* for Five Days Absence, *Twenty five Shillings*.

Mr. *James Cushing* for Seven Days Absence, *Thirty five Shillings*.

Shubael Gorham Esq; for Eighteen Days Absence, *Four Pounds Ten Shillings*.

Mr. *Joseph Southworth* for Five Days Absence, *Twenty-five Shillings*.

George Bunker Esq; for Thirty-seven Days Absence, *Nine Pounds Five Shillings*.

Resolved, That the several Members of this House as above mentioned, be and hereby are Fined in the Sums particularly affixed to their Names as abovesaid, for their Absenting themselves from and not Attending their Duty in this House, as by Law they were obliged to do, and that the Sum of *Five Pounds* part of the aforesaid Fines together with the Sum of *Forty Shillings* already in the Hands of *William Payne* Esq; late Clerk of this House, be Appropriated and Applied to and for the Defraying the Charges of the Action brought against him by Capt. *John Alden* of *Duxborough*.

A Message from His Honour by Mr. Secretary, That His Honour expects the House forthwith to attend Him in the Council Chamber. Mr. Speaker and the House went up accordingly, and Mr. Secretary said, That it was His Honours Pleasure that this Great and General Court or Assembly should be Prorogued to *Wednesday* the Twenty-Third Day of *October* next, at Ten of the Clock in the Forenoon. And then Mr. Secretary declared, That the said Great and General Court or Assembly was accordingly Prorogued.

Anno Decimo Regni Regis GEORGIJ, nunc Magnæ Britanniae,
Franciæ et Hiberniæ, Fidei Defensoris, &c.

JOURNAL

Of the House of
Representatives.

At a Great and General Court or Assembly of His Majesty's Province of the ~~Massachusetts Bay~~ in ~~New-England~~, Begun and Held at ~~Boston~~, upon Wednesday the 29th Day of ~~May~~, Anno Domini, 1723. And continued by several Prorogations to Wednesday the Twenty-third Day of ~~October~~ following, and then Met.

A Quorum of the House appearing, *Ordered*, That Mr. *Lewis*, Mr. *Remington* and Capt. *Throop* go up with a Message to His Honour to acquaint him that a Quorum of the House are now met, and ready to proceed to the Business of the Session.

A Message from His Honour by Mr. Secretary, That His Honour directs this House to Attend him in the Council Chamber forthwith.

Mr. Speaker and the House went up accordingly, and His Honour made a Speech, of which Mr. Speaker obtain'd a Copy, and then with the House returned to their own Chamber.

His Honour's SPEECH is as follows,

GENTLEMEN,

IT is now the Time of your ordinary Session for the great Affairs of the Country, which I hope you will pursue with that Prudence, Steadiness and Dispatch that may be expected from you.

I shall not entertain You with many Words, but assure you I shall be very glad to Serve His Majesty and the Interest of the Province, in passing any good and necessary Laws or Orders agreeable to the Duty of my Station.

Gentlemen of the House of Representatives,

The Treasurer has represented to Me and the Council that He has no Bills in the Treasury, the last Supply being all Issued (the Accompt of which He will forthwith lay before You.) It will be therefore necessary that you come to a Speedy Resolution for a New Emission, and that it be done in such a Manner as shall be consistant with the Honour of the Government, and so as the Publick Affairs may not Suffer in this time of War.

Wm. DUMMER.

Post Meridiem.

Voted, That the Treasurer be directed to deliver to the Company of Voluntiers under the Command of Capt. *Jonathan Richardson*, the Subsistance allowed the Marching Forces in the Pay of the Province, to be delivered to them in *Boston*, or in lieu thereof the value in Bills of Credit. Sent up for Concurrence. [2]

Two Letters dated *White Hall, August 6 & 23 d*, Signed, *Anthony Sanderson*, directed to Mr. Speaker, inclosing the Memorial of Governour *Shute*, against the proceedings of the House of Representatives presented to the Kings Most Excellent Majesty. Read twice.

Mr. Secretary brought down several Letters from Col. *John Schuyler* at *Albany*, &c. which His Honour thought proper to Communicate. Read.

Upon Reading the *Memorial* of Governour *Shute* against the proceedings of the House of Representatives, &c. and some debate being had thereon: *Resolved*, That this House to Morrow Morning will Resolve it Self into a Committee of the Whole House to take into their consideration, and debate upon the several Articles and subject Matter of the said Memorial.

Then the House Adjourned till to Morrow Morning Nine a-Clock.

Jovis Die 24. Octobris A. D. 1723.

Resolved, That the Honourable *John Clarke* Esq; be Chair-Man of the Committee of the Whole House, and that the House does now Resolve it Self into a Committee of the Whole House.

Veneris Die 25. Octobris A. D. 1723.

MR. Speaker Re-assum'd the Chair.

Ordered, That a Message go up to His Honour the Lieut. Governour and the Honorable Board to acquaint them, That the House is now Sitting, that if they have any Message to send down, the House is ready to receive them.

Mr. Secretary brought down sundry Letters from His Honour, from Capt. *Heath* at *Richmond*, Capt. *Eleazer Whitlock* at *Worcester*, giving an account of the State of those Frontiers; and a Memorial of *Nathaniel Jones* of *Worcester*, proposing to go out a Scout with some of our Friend *Indians*, which His Honour thought proper to Communicate: Also the following Message, viz.

Gentlemen of the Representatives,

I think it of great Importance, That Rutland & Northfield which are Barriers to the Towns within should be Strengthened, and the Inhabitants (who are daily drawing off their Families) encouraged to remain there; and therefore I recommend it to your Consideration to provide for a Number of Men sufficient for their Protection, and I

shall then reinforce the Garrisons there accordingly. I take this Occasion likewise to observe to you the State of Richmond-Fort (which is a Port of great Consequence) that part of the Fortification is gone to decay, and without being speedily Repaired will fall to the Ground: It will be of good Service to Vote a Sum for those Repairs, and for building Barracks without the Fort, which the Mohawks desire for their Accommodation, the Charge not being great, and now the proper Season is coming on for Cutting the Timber.

Octob. 24th. 1723.

Wm Dummer.

Ordered, That Col. *Dudley*, Mr. *Whittemore*, and Mr. *Fairbanks* be a Committee to take under Consideration his Honours Message, and make Report what they think necessary for this Court to do for the better Securing the Frontiers of the Province.

Resolved, That this House now Resolve it Self into a Committee of the Whole House *again*, to take under their further Consideration Governour *Shute's* Memorial against the House of Representatives.

Post Meridiem.

Mr. Speaker Re-assumed the Chair; and the Honourable *John Clarke* Esq; from the Committee of the Whole House Reported, That the Committee had gone through with the Consideration of the several Articles of Complaint in Governour *Shute's* Memorial to His Majesty against the House of Representatives, and the several Votes and Resolves referred unto in the said Complaint; And that the Committee are of Opinion, [3] That it is highly necessary that the House of Representatives do humbly Address His Majesty thereon, and make Answer to the said Memorial, in order to set that Matter in its true Light, and to justify the proceedings of the House.

Read and Accepted, and

Voted, That Mr. Speaker, Col. *Dudley*, Mr. *Cooke*, Mr. *Wainwright*, Mr. *Remington*, Capt. *Chambers*, and Capt. *Throop*, be a Committee to prepare an humble Address as soon as may be, to His Most Excellent Majesty, and to draw up an Answer to the several Heads and Articles of Complaint, exhibited against the House of Representatives and their Proceedings, in order for their Justification.

Ordered, That the above Committee prepare a Letter to be sent to Mr. *Anthony Sanderson*, to acknowledge the receipt of his Letters, and to acquaint him, that the House have appointed a Committee to consider the several Articles of Complaint in the Governour's Memorial, and prepare an Answer to the same; which will be forwarded with all Expedition.

A Message by *Nathaniel Payne*, Esq; That the Board desire the Accompt of what remains at *Albany*, of the Present designed for the *Maquois*, and not yet delivered may be sent up.

Addington Davenport, Esq; brought down a Memorial of the Commanding Officers of the several Companies and Troops of Militia in the Countys of *Suffolk* and *Middlesex*, signed in the Name, and by the unanimous Desire of the said Officers by *John Chandler*, Colonel; proposing that a Line of Block-Houses may be drawn from *Dunstable* to *Northfield*, for the Defence of the Frontiers, for the Reasons therein mentioned: Passed in Council, *viz.* In Council, *October 25th, 1723.* Read & Ordered, That *William Tailer*, *Thomas Hutchinson* and *Jonathan Belcher*, Esqrs; with such as the Honourable House of Representatives shall appoint, be a Committee to consider the Subject Matter of this Memorial, and Report what they think proper for this Court to do thereon.

Sent down for Concurrence.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

Sabbati Die 26. Octobris, A. D. 1723.

TWO Letters Dated *White-Hall*, *Sept. 2d. & 6th.* from Mr. *Anthony Sanderson*, directed to Mr. Speaker. Read.

Whereas this House has received a Copy of a Memorial presented to His Majesty by Governour Shute, which contains several Articles of Complaint against them, striking at and tending to the subversion of this Constitution; which the House by examining their own Votes, find to be groundless, and doubt not but they shall be able in a short time fully to Answer.

Resolved, That the Treasurer be directed forthwith to supply Mr. *Anthony Sanderson* of *London*, with the Sum of *One Hundred Pounds* Sterling, to employ Council; and further to enable him to justify the Proceedings of the House against those Complaints. Sent up for Concurrence by Col. *Dudley*, Mr. *Lewis*, Mr. *Remington*, Capt. *Throop*, Mr. *Gerrish* & Mr. *Wainwright*, who also carried up the aforesaid Memorial.

Ordered, That the Clerk be directed to acquaint the Gentlemen to whom the Papers, Books, &c. that are in the Lobby of the House, do more immediately belong, and which do not belong to the House, that he is ready to deliver them when they please. And that he purchase a sufficient Lock for the Lobby Door.

Whereas Matters of the greatest Concern are under the Consideration of a Committee of this House, whereof the Speaker & Clerk are Members; and several others of the Members of the House have necessary Business which requires their Attendance at the Superiour Court to be held at Salem next Tuesday.

Wherefore,

Voted, That a Message be sent up to His Honour and the Honourable Board, to acquaint them, that the House is desirous of Adjourning to *Thursday* next at Three a-Clock Afternoon, if the time be acceptable to them. [4]

Ordered, That Mr. *Remington*, Mr. *Lewis* and Mr. *Phillips* go up with a Message

to the Honourable Board, to desire that if the Memorial of Governour *Shute*, has had a Reading, they would send it down; for that the Committee to whose Consideration the same is referred, would speedily go upon it. And to enquire if the Board has pass'd on the Vote that accompanied said Memorial.

Who returned that they had delivered the Message.

Samuel Sewall, Penn Townsend and Edward Bromfield, Esqrs; brought down sundry Letters respecting the Governour's Memorial, &c. and the Vote for supplying Mr. *Anthony Sanderson* with *One Hundred Pounds* Sterling for the Uses therein mentioned; with a Message that the Board desire the House would withdraw that Vote. Read.

And the Question was put, *Whether the House would withdraw the said Vote?*

It pas'd in the Negative, *Nemine Contradicente*. And,

Voted, That the Board be desired to pass thereon as usual.

Ordered, That Capt. *Throop* and Mr. *Tay* go up with a Message to the Honourable Board, to acquaint them that the House are waiting for the Governour's Memorial, and therefore desire it may be forthwith sent down. Who returned, that His Honour said it would be sent down.

Ordered, That the Committee to whom was referred the Governour's Memorial, have full Power to send for any Papers, and Convent any Persons before them, to make Answer to *such* Questions, which they may apprehend may be of Service to them in preparing an Answer to the said Memorial.

Col. *Dudley* from the Committee appointed to take under Consideration the Lieut. Governour's Message Yesterday, and make Report of what they think necessary for the Court to do, for the better securing the Frontiers of the Province: Reported accordingly. Which was Read and accepted; and thereupon *Voted*, That Forty able-bodied effective Men (including those already Posted at *Northfield, Deerfield* and *Sunderland*) be Levyed, to Scout on *Connecticut River*, above those Towns, in order to discover the Motions of the Enemy, and protect and secure the said Towns; and that the Men be put under the Care and Conduct of a suitable Officer in Captain's Pay. And that Thirty five good able effective Men (including those already Posted at *Brookfield Leicester, Rutland, Shrewsbury*, and *Worcester*) be raised, and put under the Care of an Officer in Lieutenant's Pay, and be constantly employed in Scouting the Woods, and Ranging about those Towns together or apart, as the Circumstances of those Towns require; for the Security, Encouragement and Protection of the Inhabitants thereof. And that the Souldiers at *Lancaster, Groton* and *Dunstable*, be made up and compleat Thirty able bodied effective Men, and put under the Care and Conduct of a good and faithfull Officer, in Lieutenant's Pay; and that the Men be constantly employed, in Guarding, Scouting and Ranging about those Towns, and *Turkey-Hill's* Garrisons. And that two Souldiers (exclusive of the Thirty afore-mentioned,) be Posted at the Garrisons at *Turkey-Hill*. And that Capt. *Joseph Heath* and his

Men be directed to repair the Fort at *Richmond*, according to his Proposals in his Letter to the Lieutenant Governour. And that His Honour the Lieutenant Governour be desired to give the necessary Directions and Orders for the accomplishment of the several Articles foregoing accordingly.

Sent up for Concurrence.

The Committee appointed to prepare a Letter to be sent to Mr. *Anthony Sanderson* at *London*: Reported, that they had prepared a Letter according to Order; which was Read, and *Voted*, That Mr. Speaker be desired to Sign the same in the Name of the House, and forward it to Mr. *Sanderson*.

Mr. Secretary brought down the Governour's Memorial, with a Message, That the Board had Unanimously Non-concurred the Vote for supplying Mr. *Sanderson* with *l.* 100. And a Message from his Honour, *viz.* That it was His Honour's Pleasure, That the Great and General Court or Assembly should be Adjourned to *Tuesday* the Fifth Day of *November* next, at Ten of the Clock in the Morning. And then Mr. Secretary declared, That the said Great and General Court or Assembly was accordingly Adjourned.

VOTES

Of the House of Representatives.

Martis Die 5. Novembris, A. D. 1723.

Several Members appearing who were not present this Session, before the Adjournment to this Day. And a Motion being made,
Ordered, That Governour Shute's Memorial be Read.
The said Memorial was Read accordingly.

Post Meridiem.

Spencer Phipps, Esq; brought down the following Message from his Honour,
viz.

Gentlemen,

I thought it necessary for the defence of the Western Frontiers upon drawing off the Horse from thence to reinforce the Garrisons at Northfield & Rutland, so as they now consist of the Number of Thirty Men in each Town, whom I doubt not but you will chearfully Support as long as may be needful.

Since I gave out my Orders agreeable to desires of the General Court, relating to the Fort on George's River; I find the Gentlemen claiming at Mesconigus (rather than that Country should be abandoned to the Enemy) did agree to support that Garrison until the Meeting of this Court, in hopes that Affair might then be reconsidered. And I must acquaint you, that the evacuating of Forts, at this critical Juncture, seems highly inconvenient; inasmuch as it tends to inspirit and hearten the Enemy, and will probably give Umbrage to the Six Nations in Confederacy with us, to whom it concerns us (as we have hitherto done) to give all proper Encouragement; and therefore I desire that matter may have a due Consideration as soon as may be.

Wm. DUMMER.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

Mercurij Die 6. Novembris, A. D. 1723.

THE Committee appointed to prepare an Answer to Governour Shute's Memorial &c. Reported, *viz.*

Pursuant to the Order of the Honourable House of Representatives of the 25th of October past, appointing us the Subscribers a Committee, to take under consideration the Memorial of Governour Shute presented to His most Excellent Majesty; containing several Articles of Complaint against the proceedings of the

House, and to draw up an Answer to the same in Order for their Justification: And also to prepare an humble Address to His Majesty on that Account: Have in Obedience to the Order of the Honourable House, drafted an humble Address to His Majesty; and after several Meetings had, and strict Examination and Inquiry made, into the subject matter of the several Articles of the said Memorial, do humbly Report our Opinion thereon for Answer to the same, as follows, — Which was Read. And

Ordered, That the said Report lye on the Table. [6]

Whereas on the 13th of August past, a Hearing was appointed to be had before this House on the second Wednesday of this Session between Samuel Comestock and others his Associates, and the Town of Mendon, respecting several Farms in the Township of Mendon, Petitioned for by the said Comestock and others, &c. to be confirmed to them. Which Day being elapsed

Ordered, That the said Hearing be had this Afternoon, before this House, if the Parties are ready.

Post Meridiem.

Ordered, That the Treasurer be directed to lay His Accompts before the House, as soon as he can get them ready to present.

An Accompt of *Zechariah Hicks* for riding Express from *Wells to Boston*, in the Service of this Province for himself & Horse, Expences, &c. by Order of Capt. *Wheelwright*. Read and

Resolved, That the Sum of *Two Pounds three Shillings & six Pence*, be allowed and paid out of the Publick Treasury to the Accomptant *Zechariah Hicks*, in full Discharge of said Accompt. Sent up for Concurrence.

Ordered, That a Message be sent up to His Honour the Lieutenant Governour by Capt. *Epps*, to desire His Honour would Communicate to the House the Letters he lately received from Governour *Saltonstall* and Col. *Schuyler*.

According to the Order of the Day, respecting the Hearing between *Samuel Comestock*, &c. and the Town of *Mendon*; the Parties were admitted into the House, and after being fully Heard by their Council in Law, touching the Premises, they withdrew.

Mr. Treasurer *Allen* was admitted into the House, and laid on the Table his Accompt of Disbursements, and Monies paid for Provisions Cloathing, &c. An Accompt of Species supplied the Forces Eastward & Westward, in the Pay and Service of the Government; and the present State of the Treasury, to the 24th of *October* past; And also acquainted the House that he had a considerable number of Bills, which were very much torn, and unfit for Service; proposing a Committee to Inspect them, &c. And then withdrew.

Penn Townsend, Esq; brought down Two Letters from Gov. *Saltonstall* to Col.

Partridge and Col. *Stoddard*, Dated *New-Haven*, *Octob.* 16th 1723. with a Message, That the Board desire the Letters that were sent down, which referred to the Governour's Memorial may be sent up: And the following Vote of Council, *viz.* In Council, *Novemb.* 6th 1723. The Board taking into their serious Consideration, the present State of the Publick Affairs of the Province, at the Court of *Great Britain*, respecting the Constitution of the Government: Voted, That *Samuel Sewall*, *Addington Davenport*, *Thomas Fitch*, *Samuel Browne* and *Adam Winthrop*, Esqrs; with such as the Honourable House of Representatives shall appoint, be a Committee to draw up an Humble Address to be presented to His Majesty upon that Account. Sent down for Concurrence.

Then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Jobis Die 7. Novembris, A. D. 1723.

Voted, That a Message go up to the Honourable Board in Answer to their Vote sent down last Night, about an Address to his Majesty, That the House having now under Consideration, the Answer to Gov. *Shute's* Memorial, which is of great Importance to this Province, and when perfected, the House propose to lay it before the Honourable Board for their perusal; and then to joyn with them in an Address to His Majesty. [7]

Resolved, That this House will enter into the Consideration of the Answer to Governour *Shute's* Memorial, at half an Hour after Three, and that every Member be desired then to give his Attendance.

A Hearing being had Yesterday before this House upon the Petition of *Samuel Comestock* and his Associates. And after some Debate thereon

Ordered, That upon a good and lawful Release and Quit Claim from the Town of *Providence*, well executed to this Province, of the Mile to be Northward of the Colony Line, The Nine hundred Acres Petitioned for by said *Comestock* and others, as laid out to them, be and hereby is confirmed to them, their Heirs & Assigns for ever; provided it exceeds not that Quantity, and does not infringe upon any former Grant of this Government; provided also, that the Grant of Nine hundred Acres made to the said *Comestock* and his Associates by this Court in their last *May* Session, in Satisfaction of their said Petition, be declared Null and Void, and of none Effect to all Intents and Purposes. Sent up for Concurrence.

Post Meridiem.

An Accompt of *Benjamin Stone*, Under-Sheriff of the County of *York*, for impressing Horses in His Majesty's Service for Col. *Thomas Westbrook*, and other Services, &c. Amounting to 60 s. Read and Committed to the Committee for Petitions.

A Muster Roll of the Company in His Majesty's Service under the Command of the Honourable *William Dummer* Esq; Captain, at the Castle, which was re-ferr'd to this Session. Read and Committed to the Committee for Muster Rolls.

A Muster Roll of the Sloop Endeavour *John Tappan* Master in His Majesty's Service to Guard the Fishery: And a Muster Roll of the Company in His Majesty's Service under the Command of Capt. *Joseph Majory*, being the Company on board the said Sloop, appointed as a Guard for the Fishery; and also an Accompt of Disbursements of the said Capt. *Majory*. Read and Committed to the Committee for Muster Rolls.

Resolved, That the Treasurer be directed to pay to *William Payne* Esq; the Sum of One Hundred Pounds, to defray the Charge of railing in the Way over *Boston-Neck*; The Committee appointed the 10th of *August* past for that Service to be accountable for said Sum.

Sent up for Concurrence.

The Report of the Committee in Answer to Governour *Shute*'s Memorial. Read in part, and a long debate was had thereon.

Then the House Adjourned till to Morrow Morning Nine a-Clock.

Veneris Die 8. Novembris, A. D. 1723.

THE Report of the Committee in Answer to the Complaints exhibited in the Governours Memorial, Debated on, and afterwards Three Articles or Heads thereof were separately put to Vote and accepted.

Post Meridiem.

Jonathan Dowse Esq; brought down a Petition of *Thomas Drury jun.* of *Framingham*, praying the Authority of this Court for Erecting a Grist-Mill on a Stream called the Falls in *Hassanamisco*, and to purchase a Parcell of Meadow adjoining thereto, of the *Indian* Proprietors, as entred the 13th. of *June* 1721. with the following Vote of Council for altering One of the Committee appointed the 7th of *December* 1722, to whom the said Petition was referred, viz. In Council, *November* 8th 1723. *Ordered*, That *Samuel Thaxter* Esq; be added to the Committee in the room of *Thomas Fitch* Esq; and that they make their Report to this Court at or before their Session in *May* next. Sent down for Concurrence.

Read and Concurred. [8]

Edward Bromfield Esq; brought down the Petition of Mr. *Edward Shove*, Representative of the Town of *Dighton*, as entred the 4th of *September* past, Ordering a Hearing to be had thereon the Second Wednesday of this Session; pass'd in Council, viz. In Council, *Novemb.* 8th. 1723. *Voted*, That the Hearing Ordered to have

been had before this Court on the within Petition, upon the Second Wednesday of this present Session, be had upon Wednesday the 20th Instant.

Sent down for Concurrence. Read and Concurr'd.

The Report of the Committee in Answer to Governour *Shute's* Memorial, Debated upon, and sundry Articles in said Report being seperately put to Vote, were accepted.

Then the House Adjourned till to Morrow Morning Nine a-Clock.

Sabbati Die 9. Novembris, A. D. 1723.

THE Report of the Committee in Answer to Governour *Shute's* Memorial. Read, and the remaining Articles not before debated on, the House entred into the Consideration of, and were severally put to Vote, and accepted with some Amendments.

Then the House Adjourned till Monday next Three a-Clock Afternoon.

Lunæ Die 11. Novembris, A. D. 1723.

THE Address prepared by the Committee appointed for that purpose, to be presented to His most Excellent Majesty in the Name of this House.

Read and Accepted.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Martis Die 12. Novembris, A. D. 1723.

Voted, That Mr. *James Cushing's* Fine of *Thirty five Shillings* laid on him the last Session of this Court, be remitted for the Reasons he has given this Morning to the House.

A Motion being made by Mr. *Jabez Fairbanks* Representative of the Town of *Lancaster*, for a Dismission from this House, he being lately Commissionated by his Honour the Lieutenant Governour, to Command some part of the Forces Westward.

Ordered, That the said Mr. *Fairbanks* be Dismissed from attending his Duty in the House, and that he be accordingly Discharged, and that Mr. Speaker Issue forth a Precept to the Select-Men of *Lancaster*, to assemble that Town in order to choose another Person in his Room (if they see cause) and make Return thereof to this House on Tuesday the Nineteenth Instant.

Col. *Dudley* from the Committee for Muster-Rolls, Reported, *viz.*

On the Muster-Roll of the Sloop *Endeavour*, *John Tappan* Master, The Committee, find it right Cast and well Vouch'd, and according to Establishment; are therefore of opinion, That the Sum of *l. 201 7 s. 6d.* be allowed and paid out of the

Publick Treasury to the Officers and Sailors, and for Hire of said Sloop, unto the said *John Tappan*, and the Men born on this Roll, in full Discharge thereof.

Read & accepted. And

Resolved, That the Sum of *Two Hundred & one Pounds seven Shillings & six Pence* be allowed and paid out of the Publick Treasury unto Mr. *John Tappan*, the Officers and Sailors born on the within Roll, in full Discharge thereof.

Sent up for Concurrence. [9]

On the Muster-Roll of Capt. *Joseph Majory*, The Committee having Exam- in'd the same, find it right Cast, and well Vouch'd, by the Oath of the said *Majory*, That the Men were in actual Service, the Time they stand entred, and according to Establishment; are therefore of opinion, that the neet Wages amounting to *l. 195 5s. 1d.* be allowed & paid out of the Publick Treasury, unto the said Capt. *Majory* and the other Men born on this Roll; and that the Sum of *l. 75 2 s. 10 d.* being so much supply'd by the Commissary, be allowed and paid out of the Publick Treasury, to the said *Majory*, he having supplied the Men with that Sum by Order.

Read & accepted. And

Resolved, That the Sum of *One hundred ninety five Pounds, five Shillings and one Penny*, be allowed and paid out of the Publick Treasury, to the said Capt. *Joseph Majory* and the Men born on the within Roll, in full Discharge of the Wages thereof: And that the further Sum of *Seventy five Pounds two shillings and ten Pence*, be allowed and paid out of the Publick Treasury, to the said *Majory*, for so much supply'd the said Men by Order, in full Discharge of the said Sum, as Entred on the within Roll: And also that the Sum of *Three Pounds fourteen Shillings and six Pence*, be allowed and paid out of the Publick Treasury to the said *Majory*, in full for his Accompt of Disbursments, as by the Accompt to the Roll annexed appears. Sent up for Concurrence

An Accompt of Mr. Sheriff *Gookin* for impressing Horses, &c. and waiting on the Delagates as entred the 29th of *August* last, and referred. Read and

Resolved, That the Sum of *Forty three Shillings* be allowed and paid out of the Publick Treasury to Mr Sheriff *Gookin*, in full Discharge of said Accompt.

Sent up for Concurrence.

Jonathan Belcher, Esq; brought down Two Letters from Col. *Schuyler*, which His Honour thought proper to Communicate to the House.

A Petition of *Hugh Pike* praying, That some further Consideration and Allow-
ance may be made him on Account of a Wound he received in the Service of this
Province, for the reasons therein mentioned. Read & Committed to the
Committee for Petitions.

A Petition of *Josiah Torrey* Agent for the Town of *Barrington*, as Entred the
21st of *June* past, and referred to this Session. Read and

Ordered, That the same lye on the Table.

A Petition of *John Arbuithnot* & seven others, Distillers in the Town of *Boston*, praying for Time to furnish themselves with proper Worms from *Great Britain*, for Distilling, conformable to an Act of this Province. Read & Dismiss'd.

Resolved, That Mr. *Lewis*, Capt. *Cawley*, Capt. *Chambers*, & Capt. *White* be a Committee to advise with the Assay-Masters, to project some more effectual way for putting the Law in Execution for preventing Abuses in Distilling Rhum, &c. and make Report of their Opinion thereon.

A Petition of *Samuel Browne* of *Rowley* praying, That a Deed well Executed by his Father *John Browne* of the said Town deceased, which Deed has been much defaced by one of the Sisters of the Petitioner's, may be declared good & effective, for the reasons therein mentioned.

Voted, That the said *Samuel Browne* serve the Children of his deceased Father *John Browne*, with a Copy of this Petition, that so they may shew cause on *Tuesday* the 26th Instant (if any they have) wherefore the prayer of the Petition should not be granted.

Whereas the House is informed, That some of the Officers are in Town, who had the Command of part of the Forces Eastward, when the Committee made a Visit there last Winter:

Ordered, That the Door keeper of this House direct the said Officers to attend the House, to make Answer to such Questions as shall be asked them respecting that matter.

Post Meridiem.

The Vote of the Honourable Board of the 6th Currant, for joyning with them in an humble Address to be prepared and presented to His Majesty.

Read & Concurr'd,

And *Ordered*, That Mr. Speaker, Mr. *Remington*, Col. *Stoddard*, Col. *Bourn*, Mr. *Cooke*, and Col. *Dudley*, be added to the Committee of the Honourable Board or the affair abovesaid. Sent up.

Capt. *Barker* and Capt. *Larrabee* were admitted into the House, and Mr. Speaker asked them by what Order it was they Muster'd the Forces Eastward the last Winter, when the Committee was sent there? Who answered, That the Committee shew'd them a Vote of the House sign'd by the Speaker, and Underneath that, an Order Wrote & Sign'd by the Governour; by Vertue of which Order, and that only they drew out their several Companies, and Muster'd them: And the Committee asked them [10] what Questions they pleas'd. Mr. Speaker and several of the Members asked them, If the Committee shewed them any other Paper? They severally Answered, That they saw no other Paper nor Order than that Vote of the House, under which the Governour had gave his Order to the Commanding Officers Eastward.

Then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Mercurij Die 13. Novembris, A. D. 1723.

O*rd*ered, That Mr. *Tay*, Capt. *Osgood*, Maj. *Pynchon*, Capt. *Easterbrooke*, Mr. *Gerrish*, and Mr. *Cotton* go up to the Honourable Board with Governour *Shute*'s Memorial to the King, and the Answer this House has prepared to the said Memorial, and the House's Address to His Most Excellent Majesty for the Board's perusal, and also carry up the Vote of the House in joyning with the Honourable Board, for preparing an Address to be presented to His Most Excellent Majesty in the Name of this Court.

A Petition of *Josiah Torrey* Agent for the Town of *Barrington*. Read again, and in Answer to said Petition, *Resolved*, That all the Lands & Meadows lying and being within the Township of *Barrington*, be henceforward Assessed in all Rates and Taxes whatsoever in *Barrington* only; And that all the Lands and Meadows lying and being within the Township of *Rehoboth*, be henceforward Assessed in all Rates & Taxes whatsoever in the Town of *Rehoboth* only: Any Law, Usage or Custom to the contrary hereof in any wise notwithstanding.

Sent up for Concurrence.

An Accompt of Messieurs *Peter* and *Josiah Rice* for going Express from *Marlborough* to *Brookfield*, by Order of this Government, they having bore their Expences for themselves, Horses, &c. Read & *Resolved*, That the Sum of *Thirty Shillings* be allowed & paid out of the Publick Treasury to Mr. *Caleb Rice* for the use of the Accomptants, in full discharge thereof. Sent up for Concurrence.

A Petition of the Select-men of *Almsbury*, shewing, That *Alexander Munrow* (a North Country-man) a Souldier in the Service of this Province in his return from the Eastward, being ordered to the Castle, was sorely wounded by Accident in that Town, That they had been at the Charge of 46 s. 8 d. for their Care & Charge on him: Also an Accompt signed *Enoch Sawyer* Surgeon, amounting to 111 4 s. 1 d. for Administrations, Visits, &c. to the said *Munrow*, in order to his Cure.

Read and Committed to the Committee for Petitions.

Post Meridiem.

This House being apprehensive that the Liberties & Privileges of the People of this Province, are struck at by Governour Shute's Memorial to His Majesty: Think it their Duty as well as Interest, to send some sutable Person or Persons from hence, to use the best Methods that may be, to defend our Constitution and Charter Privileges. Sent up for Concurrence.

An Accompt sign'd *John How* for himself and sundry others travelling from *Marlborough* to *Brookfield*, their Expences, as a Guard to the Hon. *John Schuyler*, Esq; by Order of this Government. Read & Committed to the Committee for Petitions.

An Accompt signed *John Dennison* Lieut. Colonel, for Expences & Subsisting ten Men in *June* last, and conducting them from *Ipswich* to *Salem*, by Order.

Read & Committed to the Committee for Petitions.

A Petition of *Roger Talbot* of *Boston* Marriner, setting forth that he has contracted the Distemper that was lately prevailing among the Forces Eastward, which was while he was in the Service of this Province, that he has been put to some Expence for Doctors for his Cure, &c. praying for Relief in the Premises.

Read & Dismiss'd.

Edward Bromfield Esq; brought down the Memorial of Governour *Shute*, with the Answer the House have prepared to it; and their Address to His Majesty, sent up this Morning.

Ordered, That *Elisha Cooke* & *Josiah Cotton*, Esqrs; be directed to prepare a draft of a Letter to be sent to Mr. *Anthony Sanderson*, in the Name of the House on Account of our present Affairs at Home.

Then the House Adjourned till to Morrow Morning Nine a-Clock.

E R R A T U M : Page 7. line 6. *dele* Town of *Providence*; and insert, Government of the Colony of *Rhode-Island* and *Providence-Plantations*.

BOSTON: Printed by **B. Green** and **S. Lincoln**, Printers to the
Honourable House of Representatives. 1723. [11]

VOTES

Of the House of Representatives.

Jovis Die 14. Novembris, A. D. 1723.

O*rdere*d, That *James Cawley* Esq; go up to the Honourable Board and inquire, Whether they have pass'd on the Vote sent up last Night for sending some Person or Persons from hence to defend our Charter Privileges, &c. Who returned, That the Council said they waited for a fuller Board, before they considered of that Matter.

An Accompt of *Francis Sawyer* & *John Storer* for sundry Horses impressed into His Majesty's Service, certified by the Honourable Col. *John Wheelwright*.

Read & Committed to the Committee for Petitions.

A Petition of sundry Souldiers lately in the Service of this Province, shewing, That upon the *Canada* Expedition, Her late Majesty Queen *A N N E* sent over of Her Bounty, a Gun, Cloathing, &c. to each of the Officers & Soldiers that should go in that Expedition; That the Petitioners did proceed chearfully therein, well and faithfully doing their Duty; and upon their return back to *Boston*, &c. they were Commanded to deliver up their Guns to this Government, which they obeyed: praying, That as the Guns were sent as a Present from the Queen, they may have the same now delivered to them, or be otherwise relieved in the Premises as this Court in their Wisdom shall see meet. Read and

Ordered, That Col. *Dudley*, Col. *Stoddard*, and Col. *Spurr* be a Committee to take under Consideration the said Petition, and make Report of what they think proper for this Court to act thereon.

An Accompt of Capt. *Peter Nowell* for going Express from this House to *Berwick*, &c. his Time, Expence & Horse hire, &c. Read and

Resolved, That the Sum of *Four Pounds six Shillings* be allowed and paid out of the Publick Treasury to Capt. *Peter Nowell* in full discharge thereof.

Sent up for Concurrence.

A Petition of the Select-Men of *Glocester*, praying, That Mr. *Samuel Stevens* Jun. of *Glocester*, may be directed to clear and cleanse the *Cutt* that runs through said Town, (where Vessels were wont to pass through, but was filled up by the late Storm in *February* last) for the Reasons therein mentioned.

Read and

Ordered, That the Petitioners serve Mr. *Samuel Stevens*, Jun. with a Copy of this Petition, that so he may shew cause, if any he have, on the 27th Instant, why the prayer of the Petition should not be granted.

Post Meridiem.

Ordered, That Mr. *Lewis*, Mr. *Edward White*, Mr. *Choate*, Col. *Bond*, Maj. *Pinchon*, Capt. *Osgood*, and *Joseph White*, Esq; with such as the Honourable Board shall appoint, be a Committee to take an Accompt of what torn and defac'd Bills are in the Treasury, and unfit for further Service, of the Number of each sort of the said Bills, with the whole Sum of them; to give to Mr. Treasurer a Receipt for them, and burn them to Ashes, and make Report of their doings herein.

Sent up for Concurrence.

Voted, That Col. *Stoddard*, Capt. *Rolfe* and Capt. *Nowell* be a Committee to consider of some proper Establishment for this Court to order for Pay and Subsistance for Troopers, that have or shall be employed in the Service of this Government; and make report thereof. [12]

Ordered, That Capt. *Osgood*, Mr. *Stone* and Mr. *Cotton*, go up to the Honourable Board, and inquire, whether they have pass'd on the Vote of the House sent up last Night for sending some suitable Person or Persons home to defend our Constitution and Charter Privileges. Who returned, That His Honour said, That matter was under Consideration.

An Accompt sign'd *Luke Smith* for subsisting sundry Men, and three *Maquois*, and keeping Horses, attested by Col. *Partrigg*. Read and

Resolved, That the Sum of *Twenty three shillings* be allowed and paid out of the Publick Treasury, to Mr. *Luke Smith*, in full Discharge of this Accompt.

Sent up for Concurrence.

Samuel Thaxter, Esq; brought down a Petition of *Christian Indian*, praying for some Allowance for his Service to this Province in an Engagement lately had above *Richmond* against the Indian Enemy, wherein, (as the Petitioner alledges,) he supposes he had slain one of the Enemy. Also a Petition signed *Ebenezer French*, praying for some allowance for subsisting the said *Christian* and others, as particularly appears by said Petition. Pass'd in Council, viz. In Council Nov. 14th 1723. Read and sent down, Recommended. Read & Committed to the Committee for Petitions.

A Message from the Board by *Penn Townsend*, *Edward Bromfield*, & *Nathaniel Paine*, Esqrs; viz. In Council, Nov. 14th 1723. The Honourable House having sent up the Memorial of His Excellency our Governour, and their Answer thereto, for the Council's perusal: And the Board having Read and perused the same, cannot but in Faithfulness to the Province, and a tender regard to the House of Representatives, declare and give it as their Opinion, That their Answer is not likely to Recommend this Government and People to the Grace and Favour of His Majesty, but on the contrary has a Tendency to render us obnoxious to the Royal Displeasure. Which accompanied Extracts of two Letters from Two Gentlemen at *London*, to Two of His Majesty's Council here. With a further Message, That the

Board desire the House would not presently Rise, for that something would soon come down from the Board.

A Message from the Board by *Addington Davenport*, *Samuel Browne* and *Paul Dudley*, Esqrs; That the Board had Non-Concurr'd the Vote of the House for sending a Person Home to defend our Constitution, &c. with the following Vote of Council, viz. In Council, *Novemb. 14th 1723. The Liberties & Privileges of His Majesty's good Subjects of this Province being in Danger, at this present critical Juncture of our Publick Affairs at the Court of Great Britain; and it being our Duty as well as Interest to use the best Methods that may be in Defence of the same: And Whereas* Jeremiah Dummer, Esq; (*the Agent of this Court*) is a Person of great Knowledge, and long Experience in the Affairs of this Province; and has greatly merited of this People, by his Printed Defence of the CHARTER; and may reasonably be supposed more capable of serving us in this Exigence, than any Person that may be sent from hence:

Voted, That the said Mr. Agent *Dummer* be directed to appear in behalf of the Province for the Defence of the CHARTER, according to such Instructions as he shall receive from this Court. Sent down for Concurrence.

J. Willard, Secr.

Then the House Adjourned till to Morrow Morning Nine a-Clock.

Veneris Die 15. Novembris, A. D. 1723.

A Memorial of the Committee of the Town of *Brimfield*, setting forth, That they lye under several Difficulties, respecting the well ordering & governing said Town and Proprietors, as particularly mentioned in the Memorial; praying the direction of this Court, how they should proceed in order to a speedy Establishment of the Inhabitants; and that an Assessment may be made, to defray the Charges of said Town already arisen, &c. Read and [13]

Ordered, That Col. *Stoddard*, Col. *Bond*, and Col. *Dudley* be a Committee to whom the said Memorial is referred, to take the same under Consideration, and that they make Report what they are of opinion may be proper for this Court to pass thereon.

The Report of the Committee on the Petition of *Thomas Sawen* of *Natick*, pass'd in Council, as Entred the 14th of *September* past, and referred to this Session, Read, with the said Vote of Council, and after some Debate had thereon, the Question was put, *Whether the House concurr with the said Vote of Council?*

It pass'd in the Negative.

A Petition of *Nathaniel Lawrence* a Souldier in His Majesty's Service Eastward, praying he may be allowed *Seven Pounds five Shillings & three Pence*, for so much he was oblig'd to Pay for Nurses, Attendance, &c. during his Illness while in His Majesty's Service. Read & Dismiss'd.

Resolved, That this House at three a Clock Afternoon, will enter into the consideration of the Message & Vote of the Honourable Board sent down last Night, respecting the Answer to the Governour's Memorial, and the present State of our Publick Affairs at the Court of *Great Britain*.

An Accompt of *John Gooch* for his Service as Commissary to the Forces Eastward, and sundry Disbursments, as by Accompt. Read & Committed to the Committee for Muster-Rolls.

Ordered, That Mr. *Lewis*, Col. *Dudley*, *Joseph White*, Esq; Capt. *Chambers*, and Mr. *Edward White* be a Committee to take under Consideration Mr. Treasurer *Allen*'s several Accompts of Disbursments, Accompt of Species, and the present State of the Treasury, and Report what they think proper for this Court to pass thereon.

A Message from the Honourable Board by *Penn Townsend*, *Addington Davenport*, and *Thomas Fitch*, Esqrs; That the Board desire to know whether the House have pass'd upon the Petition of *Christian Indian* sent down last Night; the said *Christian* proposing shortly to go out again, in Quest of the Indian Enemy with Capt. *Pecker*; the Board being of Opinion, it will be of Service to make him some Present, and further, That some small Present be made to the other of the *Maquois* (that were in the Engagement against the Enemy Indians above *Richmond*) that are now in Town, they intending in a short time to return Home. Mr. Speaker informed them, that the Petition was Committed.

A Muster-Roll of the Company in His Majesty's Service, lately under the Command of Capt. *George Carlisle*, Deceased. Read & Committed to the Committee for Muster-Rolls.

An Accompt of *Benjamin Stebbins* and *Jonathan Burt* for subsisting sundry Men & Forrage for Horses in the Service of this Province, in the County of *Hampshire*. And an Accompt sign'd *Ebenezer Pumroy* for Horse-hire, Forrage and subsisting sundry Men in the Service of this Province, sundry Expresses, &c.

Read and Committed to the Committee for Muster-Rolls.

An Accompt of the Commissioners for Letting out 100,000 Pounds Loan, in the County of *Plymouth*, from the 13th of *February* 1721,2, to the 13th of *February* 1722,3. Read & Committed to the Committee for that Service, appointed the 20th of *June* last.

Mr. *Cooke* from the Committee for Petitions, reported on the Petition of *Christian Indian*, which was Read, and thereupon *Resolved*, That the Sum of *Thirty-five Pounds*, be allowed and paid out of the Publick Treasury for the use of the Six *Maquois* who were in the Engagement lately had against the *Indian* Enemy above *Richmond Fort*, in equal proportion for their good Services, what was delivered to those already gone to *Albany* to be accounted part of the said Sum; and that the further Sum of *Seven Pounds, Ten Shillings*, be allowed and paid out of the Publick Treasury to the Three *Maquois* *Christian, Isaac* and *Austagaunnoock*, in Con-

sideration of the Wages due to them for Service under Capt. *Daniel Pecker*; the Money to be made payable to *John Stoddard Esq*; who is hereby impowred and desired to pay the same accordingly. Sent up for Concurrence. [14]

An Accompt signed *Joseph Kellogg*, being an Accompt of his Disbursments of *Fifty Pounds* on the Delegates in their return from *Boston* home, the Province having advanced that Sum to him the *Nineteenth of September* past, for which he was to be Accountable. Read and *Resolved*, That the said *Joseph Kellogg's* Accompt be accepted, and that he be and hereby is discharged from the said *Fifty Pounds*. Sent up for Concurrence.

An Accompt annexed to Mr. *Kellogg's* Accompt of Disbursments of the afore-said *Fifty Pounds*, Amounting to *l. 10 6 s. 6 d.* for sundry Horses impressed into His Majesty's Service, and an Accompt of Charge of *Timothy Dwight* for his Attendance on the Delegates. Read, and *Resolved*, That the Sum of *Ten Pounds six Shillings and six Pence* be allowed and paid out of the Publick Treasury to Mr. *Daniel Bagg*, to be by him repaid to the several Persons to whom the same is respectively due, as inserted in the within Accompt.

Sent up for Concurrence.

A Message from the Board by *Penn Townsend, & Samuel Browne Esqrs; viz.* In Council, *Novemb. 15th. 1723.* It appearing to this Board that the Printing and Publishing the Votes of the Honourable House has been very prejudicial to the Interest of this Province, with respect to the Operations of the War with the *Indians*, and other Publick Affairs of the Province, besides the considerable Charge it brings on the Province, The Board do earnestly desire the House to take that Matter into their serious Consideration and desist from Printing their Votes for the future. Read, and the House entred into a Debate thereon, and the Question was put, *Whether the House would wholly Desist from having their Votes Printed?*

It pass'd in the Negative.

Then the Question was put, *Whether the Votes that affected the War should be left out of the Printed Journal of the House?* Resolved in the Affirmative.

Post Meridiem.

Whereas the Honourable Board were pleased in their Message last Night, to signify, That it was their Opinion, that what the House had prepared as an Answer to Governor Shute's Memorial, had a Tendency to render this Government and People obnoxious to the Royal Displeasure:

Voted, That a Message be sent up to the Honourable Board to desire They would please to inform the House what particulars in the said Answer seem to have such a Tendency, and that they would acquaint the House as soon as may be. Sent up by Mr. *Remington*, Mr. *Bunker* and Mr. *Prescott*.

A Petition of *Peter Levally* and *Peter Poller* of *Marblehead*, setting forth, That on the 16th of *August*, they Siezed two of the Indian Rebels and delivered them up to this Government, praying that they may be Entitled to the Bounty for Scalp Money, or what Premium this Court shall otherwise think fit. Read and Ordered, That the Petition lye on the Table.

The Vote of the Board sent down last Night respecting Mr. Agent *Dummer* appearing in behalf of the Province, according to such Instructions as he shall receive from this Court. Read, and the Question was put, *Whether the House Concur with the Vote of Council respecting that Affair?* Resolved in the Affirmative.

Then the House Adjourned till to Morrow Morning Nine a-Clock. [15]

Sabbati Die 16. Novembris, A. D. 1723.

A Message from the Board by *Nathaniel Payne* and *Spencer Phipps*, Esqrs; viz. In Council, *Novemb.* 15th. 1723. The Board having considered the Message of the Honourable House of this day referring to their Answer to the Memorial of His Excellency our Governour, observe a very considerable Mistake in reciting the Councils Message of Yesterday; and then for Answer to the said Message of the House, say, That inasmuch as the said Answer to the Governour's Memorial is not the Answer of the Court, but only of the House; The Board cannot think it proper for them to insert themselves therein by descending to particulars. Besides, We apprehend it might be inconvenient even to the House, for the Board to point out those things in the Answer that they conceive have a tendency to render us obnoxious to the Royal Displeasure; Nor was it the design of the Council to enter into the Detail of the said Answer, but to intimate their Opinion to the House, that considering the present Circumstances of our Affairs, some better Method might be taken than an absolute Justification.

Ordered, That Mr. Speaker Sign the Address this House has prepared humbly to be presented to His Most Excellent Majesty, with the Answer the House have made to Governour *Shute's* Memorial, in order to their being forwarded with the several Vouchers in said Answer referr'd to, to Mr. *Anthony Sanderson* of *London* to wait the further Order of the House.

Ordered, That Mr. *Cooke*, Mr. *Lewis*, and Mr. *Dudley* prepare a Letter to be sent to Mr. *Anthony Sanderson*, respecting our Affairs to be Negotiated at Home.

A Motion being made by several Members, That the House would come into a reconsideration of their Vote for Concurring with the Vote of Council, respecting Instructions for Mr. Agent *Dummer*, pass'd last Night, and after a Debate whether the House would reconsider that Vote, and the Question put?

Resolved in the Affirmative.

Then the Question was put, *Whether the House would appoint a Day for the consideration of that Vote?* It pass'd in the Negative.

Then the Question was put, *Whether the House would concur with the Vote of Council?* Resolved in the Affirmative, with an Amendment *viz.* That Mr. *Anthony Sanderson* of *London*, together with one other Person, who shall be chosen and sent by this Court from hence be joyned in this Affair. Sent up for Concurrence by Col. *Stoddard*, Mr. *Lewis*, Mr. *Remington*, Capt. *Osgood*, and Capt. *Epes*.

Nathaniel Paine, Esq; brought down a Petition of *Joseph Miller* of *Springfield*, shewing that he had recognized in *Fifty Pounds* to appear at the Court of Assize and General Goal Delivery, held at *Springfield* 1721. to give Evidence against sundry Persons indicted for Counterfeiting and Uttering Bills of Credit, but made default, That a Writ of *Scire Facias* is issued out against him, but Judgment not yet given: praying, That all further proceedings against him upon the said Recognizance, may be stayed, and declared Null & Void for the reasons therein mentioned. Pass'd in Council, *viz.* In Council *Novemb.* 16. 1723. Read & Ordered, That the prayer of this Petition be granted. Sent down for Concurrence.

John Cushing Esq; brought down the Report of the Committee appointed to go to *Sudbury*, and Enquire into the Affairs of the *East Precinct* there, as Entred the 20th of *August* past; passed in Council, *Novemb.* 16th. 1723. Read, and Ordered, That the Report of the Committee be accepted, and that the *East Meeting-house* in *Sudbury* be removed accordingly. Sent down for Concurrence,

Thomas Hutchinson & *Samuel Thaxter* Esqrs; brought down a Petition of Capt. *Josiah Winslow* for himself & his Son *Josiah Winslow* & *Elisha Bucknam*, praying that a Rule of [16] Court they Entred into at an Inferiour Court of Common Pleas held at *Bristol* on the Second *Tuesday* of *July* 1721. in an Action then depending between *Timothy Lyndall* of *Salem* Esq; and *James Cudworth* and *David Cudworth* of *Freetown*, in the County of *Bristol*, Husbandmen, may be declared Null and Void for the reasons therein mentioned, passed in Council, *viz.* In Council, *November* 14th. 1723. Read, and Ordered, That a Hearing be had before the whole Court on this Petition upon *Tuesday* the 26th Curreant, and that the Petitioners serve *Timothy Lyndall* Esq; and *James Cudworth*, and *David Cudworth*, with a Copy of this Petition. Sent down for Concurrence.

The Report of the Committee appointed to repair to *Punkapogg*, to Enquire into the Nature and Conditions of the Lands there Leased by the *Inlians* to the English there, &c. Signed *Paul Dudley*, in the Name and by Order of the Committee, passed in Council, *viz.* In Council, *Novemb.* 15th 1723. Read, and Ordered, That the First, Second, and Fourth Articles of this Report be accepted; and that *Nathaniel Hubbard* & *John Quincey* Esqrs; be Trustees for the *Indians* at *Punkapogg*. Sent down for Concurrence.

Paul Dudley Esq; brought down the Petition of *Thomas Waban* Sen. as Entred the 11th of *September* past with the Answer of the Reverend *John Leverett*, and

Spencer Phipps Esqrs; passed in Council, *viz.* In Council, *Novemb.* 16th 1723. Read, and this Petition with the Answer of the Reverend *John Leverett*, and *Spencer Phipps* Esqrs; being considered. Ordered, That this Petition be dismiss'd. Sent down for Concurrence.

Samuel Sewall, *Addington Davenport*, *Adam Winthrop*, and *Thomas Fitch* Esqrs; brought down an humble Address which the Honourable Board had prepared to be presented to the Kings Most Excellent Majesty, which they Read, and at the desire of the House laid the same on the Table.

Ordered, That the Answer which has been prepared by this House to the several Articles of Complaint, contained in Governour *Shute's* Memorial, and the Address of the House prepared to be humbly presented to His Most Excellent Majesty, and Signed by Mr. Speaker in the Name of the House, and all the Papers respecting the Answer to the aforesaid Memorial, be forthwith forwarded to Mr. *Anthony Sanderson* at *Whitehall*, to be improved by him according as this House shall Order.

Then the House Adjourned till Monday next at Three a-Clock Afternoon.

Lunæ Die 18. Novembris, A. D. 1723.

THREE Accompts of *John Ashley*, Esq; for sundry Charges & Disbursments by him paid and Advanced for His Majesty's Service to the Forces and others in the County of *Hampshire*. Read & Committed to the Committee for Petitions.

A Petition of Capt. *Josiah Winslow* with the Vote of Council thereon, as entred the 16th Currant. Read & Concurr'd, with the Amendment, *viz.* That *Thomas Terry*, Esq; and *Thomas Gage* be also Notified of the Petition and Hearing.

Sent up for Concurrence.

The Petition of *Thomas Waban*, Sen. with the Answer of the Reverend *John Leverett* & *Spencer Phipps*, Esqrs; and a Vote of Council thereon as entred the 16th Currant. Read & Concurr'd.

The Petition of *Joseph Miller*, with the Vote of Council as entred the 16th Currant. Read & Concurr'd.

A Muster-Roll of the Company in His Majesty's Service under the Command of Lieut. *Benjamin Larrabee*.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Jacob Tilton*.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Samuel Wheelwright*. And

A Muster-Roll of the Sloop *George* a Transport in His Majesty's Service Eastward, *David Franklyn*, Master. All Read & Committed to the Committee for Muster-Rolls. [17]

A Petition of *Philip Mackentire*, a Souldier in His Majesty's Service Eastward, praying, That he may be allowed to receive out of the Publick Treasury, the Wages due to him for his Service under Lieut. *William Hilton*, being casually omitted and not inserted in said *Hiltons* Roll. Read, and

Resolved, That the Sum of *Five Pounds Fifteen shillings* be allowed and paid out of the Publick Treasury to the Petitioner *Philip Mackentire*, in full for his Service as a Souldier from the Second of *February*, to the Twenty-third of *April*, being omitted in the last Muster-Roll of Lieut. *William Hilton*.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Nine a-Clock.

Martis Die 19. Novembris, A. D. 1723.

V*Oted*, That *Thirty shillings* part of *Four pounds ten shillings*, a Fine laid on *Shubael Gorham*, Esq; last Session, be remitted, for the Reasons the said *Gorham* hath given to the House this Morning.

A Petition of *Deborah Neckerson* of *Harwich*, shewing, That her Husband *Nicholas Neckerson* had the Misfortune to be taken by the Pirates, and not since heard of, praying, That she with her Brother *Ebenezer Neckerson* may be appointed Attorneys to her said Husband till his return, or that Information may be had of his Death,

Read & Ordered, That the Petitioner *Deborah Neckerson* with the aforesaid *Ebenezer Neckerson*, be and hereby are Authorized and Impowered to demand, recover and receive any Sum or Sums of Money that may be due from any Person or Persons to the said *Nicholas Neckerson*, and also that the said Attorneys shall be obliged and Subject to pay any just Debts that may be due from the said *Nicholas Neckerson* so far as his Estate may be sufficient to respond the same, and take and give proper Discharges in the Law until his return, or that Account may be had of his Death: Any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

The Memorial of the Commanding Officers of the Troops in *Suffolk & Middlesex*, brought down the 25th of *October* past, with the Vote of Council thereon. Read.

And the Question was put, *Whether the House will Concur with the said Vote of Council?* It pass'd in the Negative.

A Petition of Messieurs *Allason Browne & Thomas Perkins* of *Arundal*, shewing, That at their proper Cost & Charge, they Erected and built a Garrison of considerable Dimensions, for covering the Harbour there, and securing the Inhabitants; praying, That some small pieces of Cannon, and Ammunition, may be allowed them, the better to enable them to defend the said Garrison. Read and *Ordered*, That Mr. Treasurer *Allen* be directed to send them Three small pieces of

Cannon, which they are allowed the Loan of during the present Indian War, and no longer; and a suitable Quantity of Powder and Ball, the Expence of which, the Petitioners shall account for to this Court. Sent up for Concurrence.

A Petition of *Francis Moore*, Guardian to *William Cooke* a Minor, as entred the 24th of *June*, revived the 13th of *August*, and now reassumed upon a Certificate from the Honourable *Samuel Sewall* Esq; Judge of the Probate of Wills, &c. and other Persons inforcing reasons for granting the prayer of the Petition.

Read, and Committed to the Committee for Petitions.

The Report of the Committee appointed to repair to *Punkapogg*, with the Vote of Council, as Entred the 16th Currant. Read, and the Question was put, *Whether the House would Concur with the Vote of Council?* It pass'd in the Negative.

Then the Question was put, *Whether the House would accept the Report of the Committee?* It pass'd in the Negative. [18]

Post Meridiem.

An Accompt of Mr. *Daniel Bagg* for going to *Albany*, to wait on the Honourable *John Schuyler* Esq; for himself & Horse, being Nineteen days in the Service, by Order. Read, and Resolved, That the Sum of *Six Pounds* be allowed and paid out of the Publick Treasury to Mr. *Daniel Bagg* in full discharge of said Accompt.

Sent up for Concurrence.

An Accompt of *James Brentnall* for Attending on Col. *Schuyler* in his Journey to *Albany*, by Order of this Government. Read, and Committed to the Committee for Petitions.

Ordered, That Mr. *Tay*, and Capt. *Cawley* go up with a Message to His Honour, and the Honourable Board, and inquire, Whether the two French Gentlemen, who are lately arrived here from *Canada*, are come on any Publick Errand?

Sundry Accompts of Charge, certified by the Honourable Col. *Samuel Partrigg* for Meals, &c. for sundry Souldiers in His Majesty's Service in the County of *Hampshire*; and also an Accompt of Foraging for the Troopers Horses in the Service. Read & Committed to the Committee for Muster-Rolls.

Mr. Secretary brought down a (Translation of a) Letter sign'd by Monsieur *Veaudreuil*, Dated *Quebeck*, *Octob. 28th 1723*, with a draft of a Letter His Honour proposed as an Answer to the same. Read and sent up.

Then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Mercurij Die 20. Novembris, A. D. 1723.

Ordered, That Col. *Dudley*, Capt. *Hill*, and Mr. *Crosman* be a Committee to consider of and project some proper Vote for this Court to pass, to restrain (for the future) the great Imbezlements and mispense of Powder & Ball, &c.

among the Forces in the Eastern and Western parts of this Province; and also to oblige the several Commanding Officers there, to Accompt for what Stores of Ammunition, &c. they have in their Custody, before they be allowed any new Supplies on a new Indent, and make Report as soon as may be.

Ordered, That *John Stoddard, Elisha Cooke, Jonathan Remington & William Dudley*, Esqrs; and Mr. *Lewis* be a Committee to project a Resolve for Supply of the Treasury, and make Report thereon.

A Petition of *David King, Solomon Noble & Aaron Ashley* of *Westfield*, shewing, That in *September 1722*. they voluntarily Entred & Enlisted themselves into the Service of this Government under the Command of Capt. *Samuel Barnard*, certified by Capt. *John Ashley*, praying they may be allowed the Premium given in the Act for the Encouragement of Officers and Souldiers. Read, and *Resolved*, That the Sum of *Forty shillings* be allowed and paid out of the Publick Treasury for the use of each of the Petitioners, making in the whole the Sum of *Six pounds* to Mr. *Daniel Bagg*, to be by him repaid to them.

Sent up for Concurrence.

Mr. *Lewis* from the Committee appointed to examin the Treasurer's Accompt of Disbursments, &c. Reported as follows, viz.

The Committee having examined Mr. Treasurer *Allen's* Accompt of Disbursments for Provisions, Cloathing & other necessarys for the Forces in His Majesty's Service, the Forts & Garrisons, and Castle *William*, amounting to the Sum of *l.4995 18s. 10d.* from the 30. of *May* to the 23d of *Octob.* last, find the same to be right Cast & well vouch'd, are therefore of opinion, That he be discharged of the said Sum of *l.4995 18s. 10d.* [19] And further understanding, That there are in the Treasury about *l. 20,000* in Bills that may serve for a New Emission, think it proper that the Treasurer be directed to Emit the same, and at the same time We think it necessary that *l. 20,000* more of Bills be Made and Sign'd by the Committee appointed for that Service, to be delivered to the Treasurer, to be in a readiness for the Order of the Court in *May* next, all which is humbly submitted,

By Order of the Committee, *Eze. Lewis.*

Read, and *Resolved*, That Mr. Treasurer *Allen* be and hereby is discharged of the within Sum of *Four Thousand Nine Hundred and Ninety five Pounds Eighteen shillings and Ten pence*, being the whole of his Accompt of Disbursments as within mentioned. Sent up for Concurrence.

A Petition of the Select-men of *Scarborough*, as entred the 24th of *June* last, and referred to this Session. Read, and *Resolved*, That the Select-men of the Town of *Scarborough* shall be and hereby are Authorized and Impowred to Assess & Lay a Tax of *Four Pence per Acre per Annum* on all Salt Marsh, other Meadows and improved Lands, lying and being in the Township of *Scarborough*, belonging either to the Residents or Non-residents therein, for the Term of Seven Years next ensuing, for the Support and Maintenance of the Ministry of said Town:

Any Law, Usage or Custom to the Contrary notwithstanding, And that the Petitioners be enabled to bring in a Bill accordingly. Sent up for Concurrence.

Spencer Phipps Esq; brought down a Memorial of Mr. *Hugh Henry*, Minister at *Scarborough*, shewing that He has for upward of One Year past dispensed the Gospel to the Inhabitants of said Town, and the Souldiers that have been posted there for His Majesty's Service, the protection and preservation of the said Inhabitants; but they being reduced to low Circumstances by reason of the *Indian War*, are not capable of affording him sufficient Support; praying the compassionate Consideration of this Court to grant him such Relief as in their Wisdom shall seem meet, passed in Council, *viz.* In Council, *November 20th 1723.* Read, and sent down recommended.

Read, and *Resolved*, That in Consideration of the present *Indian War* which has reduced the Inhabitants of *Scarborough* to low Circumstances, and their Willingness to Support the Ministry of the Gospel among them, as far as they are able, and further to Encourage them in so good a design, the Sum of *Twenty Pounds* be allowed and paid out of the Publick Treasury to Mr. *Hugh Henry*, in Answer to his Memorial. Sent up for Concurrence.

Ordered, That a Message be sent up to His Honour the Lieut. Governour by Mr. *Cotton*, to desire His Honour would Communicate Monsieur *Veaudreuil's* Letter, and His Honours Answer thereto.

A Bill Entituled, *An Act for the Ease of the People called Quakers, &c.* Read Three several Times last Session, and referred to this present Session. Read, and the Question was put, *Whether the Bill shall pass to be Engrossed?*

It pass'd in the Negative.

Mr. *Cooke* from the Committee, reported on the Petition of the Select-men of *Almsbury*, as entred the 13th Currant, *viz.* The Committee are of Opinion, That the Petition be dismiss'd. Read, and accepted, and *Voted*, That the said Petition be dismiss'd.

Post Meridiem.

The Report of the Committee appointed to repair to *Sudbury East Precinct*, with the Vote of Council thereon, as Entred the 16th Currant. Read, and Concurr'd with the Amendments, *viz.* That the Town of *Sudbury* shall pay the whole Charge that shall arise in Removing the Meeting-house, together with the Sum of *Seven Pounds sixteen shillings and nine pence*, the Charge of the Committee for their Time and Expence. Sent up for Concurrence. [20]

Mr. Secretary brought down Monsieur *Veaudreuils* Letter, and His Honour's Answer thereto, with the following Message: *viz.*

Gentlemen,

If the Honourable House are of opinion to enter further with Monsieur Veaudreuil into the Controversy relating to our War with the Indians, as well as respecting his

Conduct therein, I shall be ready to write another Letter on that Head: but was of opinion, it would be to no purpose, many Remonstrances having been already made to him on that Subject, with no Effect: Wherefore I thought it would be more proper now, to present such a Remonstrance to His Majesty, which I intended to do by the next Ship, and to take the Advice of the Court therein.

Novemb. 20th.

Wm. DUMMER.

Whereas often times there has been great Quantities of Stores of War, as Powder, Ball, and Flints, sent to the Officers and Souldiers, in the Pay of this Government, both in the Eastern and Western Frontiers, and by them expended

Resolved, That the Chief Officers of the several Companys in the Pay of this Government, shall as often as they make up their Muster-Rolls render to the Treasurer for the time being, a true Accompt of all Stores of War received, and how the same has been expended; and whatever Officer shall neglect or refuse to render such Accompt, shall not be allowed or paid out of the Publick Treasury any Wages for his Service until such Accompt shall be perfected as aforesaid, and the Treasurer shall be and hereby is directed to notify all the Officers in Command, of this Order. Sent up for Concurrence.

A Message from His Honour by Mr. Secretary, *viz.*

Mr. Speaker,

His Honour expects this House to attend him in the Council Chamber, at the Hearing appointed to be had this Day on the Petition of Mr. Edward Shove.

Mr. Speaker and the House went up accordingly: And after the Hearing was over, Mr. Speaker and the House returned to their own Chamber.

Then the House Adjourned till to Morrow Morning Nine a-Clock.

VOTES

Of the House of Representatives.

Jovis Die 21. Novembris, A. D. 1723.

MR. Secretary brought down the Petition of Messieurs *Allason Browne* and *Thomas Perkins*, sent up the 19th, pass'd in Council, *viz.* In Council, *November 20th 1723.* Read and Concurr'd with the Amendments. Sent down for Concurrence.

Read & Non-Concurr'd, and the House insist on their own Vote, with an Amendment, *viz.* That his Honour the Lieutenant Governour be desired to give his Orders accordingly. Sent up for Concurrence.

Col. *Stoddard* from the Committee to project a suitable Establishment for Troopers made Report, which was Read and accepted; and thereupon *Resolved*, That there be allowed and paid out of the Publick Treasury to every Captain of a Troop in the Service of this Province for his Wages *One pound fifteen shillings*; for his Subsistence *Five shillings*; for his Horse *Three shillings & six pence*; for keeping his Horse *Three shillings & six pence per Week*; which is in the whole *Two pounds seven shillings per Week*. To a Lieutenant for his Wages *One pound*; for Subsistence, Horse and Pasturing *Twelve shillings*, being in the whole *One pound twelve shillings per Week*. To a Cornet for Wages, Subsistence, Horse & Pasturing *One pound nine shillings & six pence per Week*. To a Quarter-Master for Wages, Subsistence, Horse and Pasturing *One pound seven shillings per Week*. To a Clerk, Corporal and Trumpeter, each *One pound four shillings per Week*. To each Centinel *One pound two shillings per Week*. Sent up for Concurrence.

Voted, That a Message be sent up to his Honour the Lieut. Governour to desire he would dispatch the Business he intends to send by the French Gentlemen who brought the Letter from Monsieur *Veaudrueil*, that so nothing may hinder their speedy return to *Canada*. Sent up by Mr. *Remington* & Capt. *Epes*.

Ordered, That a Message be sent up to the Honourable Board to enquire, whether they have pass'd on the Vote respecting the Agency.

Sent up by Capt. *Throop*, who returned he had delivered the Message.

Col. *Dudley* from the Committee for Muster-Rolls, reported on the Accompt of Capt. *Ebénézer Pomroy* for Horse Hire, Forage, &c. as Entred the 15th Currant, The Committee are of opinion, that the Sum of *l. 8 12 s.* be paid to Col. *Stoddard*, to be by him paid to the Persons abovementioned in full Discharge of this Accompt.

Read & accepted, and *Resolved*, That the Sum of *Eight pounds twelve shillings* be allowed and paid out of the Publick Treasury to *John Stoddard*, Esq; to be by him repaid to the several Persons to whom the same is respectively due, as by the within Accompt, in full discharge thereof. Sent up for Concurrence.

Post Meridiem.

A Petition of *Samuel Sprague, Benjamin Hammond and John Briggs of Rochester*, in behalf of said Town, shewing, That whereas their first Proprietors and Purchasers laid out a Ministerial Lot, which is in several Divisions, and not so advantageous to the Minister as if it were intire, praying they may be impowred to make Sale of said Lot [22] in the several Divisions thereof, in order to make a purchase of one Farm for the Ministerial Use, agreeable to the intent of the Proprietors and first Purchasers in seperating one intire share of Land for the use of the Ministry.

Read and Committed to the Committee for Petitions.

A Petition of the Select Men of *Leicester*, praying they may be enabled to lay a Tax of one half penny *per Acre* on all the Lands in that Town during the War, or till the Inhabitants shall be able to support the Rates and Charges that shall be Assessed on them. Read, and *Resolved*, that the Select Men of the Town of *Leicester*, shall be and hereby are impowred to levy a Tax of one halfpenny *per Acre per Annum*, on all the Lands within the Township for the Term of Three Years, the present Year included, for defraying the Ministerial Charge of said Town. Sent up for Concurrence.

Ordered, That Capt. *Cawley* go up to the Board to enquire, whether any thing be likely to come down to Night. Who returned, that His Honour said that something was presently coming down.

Col. *Stoddard* from the Committee appointed to consider of the Memorial of the Committee of *Brimfield*, Reported, *viz.*

The Committee are of opinion, That inasmuch as by the Direction of the last Committee for *Brimfield*; The Meeting House, and divers of the principal Inhabitants Houses are set without the Bounds of their Antient Grant, where they have been at great Cost; and have subdued considerable Quantities of Land, and suppose themselves lyable to be Ejected to their utter Ruin, unless those Lands be granted to them by the Government. *And whereas the Heirs of the late Honourable Wait Winthrop, Esq; Claim those Lands being included in a Plat laid before the General Court for Confirmation:* That therefore *John Winthrop and Thomas Lechmere, Esqrs;* be served with a Copy of this Memorial, that they may shew cause to this Court, on *Tuesday* the 3d day of *December* next, why the Plat presented by their Honoured Father, should not be reformed, and part of the Land contained in said Plat granted to the Possessors, or Town of *Brimfield*. Read & accepted, and *Ordered*, That *John Winthrop & Thomas Lechmere, Esqrs;* be served with a Copy of this Memorial, That they may shew Cause to this Court on *Tuesday* the Third Day of *December* next, why the Plat presented by their Honoured Father, should not be reformed, and part of the Land contained in said Plat, granted to the Possessors or Town of *Brimfield*. Sent up for Concurrence.

John Cushing, Esq; brought down the Vote respecting the Agency; sent up the 16th Currant for Concurrence, pass'd in Council, *viz.* In Council, *Novemb. 21. 1723.* Read & Concurr'd, so far as that some Person who shall be chosen and sent by this Court from hence, be joined with Mr. Agent *Dummer* in the Affair aforesaid. Sent down for Concurrence.

And the Vote of Council on the Hearing had before the whole Court, on the Petition of Mr. *Edward Shove*, *viz.* In Council *Novemb. 21. 1723.* A Hearing having been had yesterday before the whole Court on this Petition, Resolved, That the prayer thereof be so far granted, that the Survey returned by *Samuel Thaxter*, Esq; and others a Committee of this Court and accepted, be not deemed or looked upon as the definitive or determined Bounds of the Town of *Dighton*, or any other Township therein concern'd, nor to affect the Propriety of any Lands, either of any of the said Towns or particular Persons; saving also the Right of the Province to the Gore or Outlet Surveyed, &c. or any part thereof, if the same have not been well and legally granted by this Court, or the General Court of *Plymouth*. And Ordered, That *John Cushing* and *Edmund Quincey*, Esqrs; with such as the Honourable House of Representatives shall appoint, be a Committee to enquire, whether any part of the said Gore that of right appertains to the Province, and make Report, and take a Plat thereof to be returned to this Court at their Session in *May* next. Sent down for Concurrence.

Then the House Adjourn'd till to Morrow Morning Nine a-Clock. [23]

Veneris Die 22. Novembris, A. D. 1723.

THE Vote of Council on the Hearing of Mr. *Edward Shove's* Petition, brought down last Night. Read, and Voted a Concurrence as far as the End of the Words, *Or the General Court of Plymouth.* Sent up for Concurrence.

Mr. *Cooke* from the Committee for Petitions, reported, *viz.*

On the Petition of *Hugh Pike* of *Newbury*, as entred the 12th Currant, The Committee are of Opinion, That the Sum of *Five Pounds* be allowed and paid out of the publick Treasury to the said *Hugh Pike*, in Consideration of his Infirmary occasioned as above, and his being now grown into Years and less capable of providing for himself. Read, and accepted, and Resolved, That the Sum of *Five Pounds* be allowed and paid out of the publick Treasury to the Petitioner *Hugh Pike*, in Answer to his Petition.

Sent up for Concurrence.

On the Accompt of *John How* certified by Col. *Partrigg*, The Committee are of Opinion, That the Sum of *Six Pounds* and *Five Pence* be allowed and paid out of the publick Treasury to the Accomptant *John How* in full discharge of this Accompt. Read, and accepted, and Resolved, That the Sum of *Six Pounds* and *Five Pence* be allowed and paid out of the publick Treasury to the Accomptant *John How*, in full discharge thereof. Sent up for Concurrence.

On the Accompt sign'd *John Ashley*, The Committee have examined the above Accompt, and are of Opinion, That the Article of Charge *Six shillings and six pence*, Horses for Capt. *Baker*, *Samuel Bush*, *John King*, *John Root* and *William Sackit*, their Charge of *Fifteen shillings* each, Amounting in the whole to the Sum of *l. 3 6 s. 6 d.* ought not to be allowed in this Accompt: The other Articles we find right Cast and well Vouch'd, That therefore the Sum of *l. 37 15 s.* be allowed and paid out of the publick Treasury to the Accomptant Capt. *John Ashley*, to discharge the above Accompt. Read, and accepted, and *Resolved*, That the Sum of *Thirty seven Pounds Fifteen shillings* be allowed and paid out of the publick Treasury to the Accomptant Capt. *John Ashley*, in full discharge of the above Accompt, agreeable to the above Report. Sent up for Concurrence.

On the Petition of *Thomas Holt* of *Boston*, Drover, which report was Read, and thereupon *Resolved*, That the Sum of *Six Pounds* be allowed and paid out of the Publick Treasury to the Petitioner *Thomas Holt*; *Three Pounds* whereof is for Damage done his Horse, and that the Sum of *Twenty shillings* be further Allowed and paid out of the publick Treasury, to Mr. *Joseph Livermore* for keeping said Horse, and is in Answer to the said Petition. Sent up for Concurrence.

On the Accompt of *Benjamin Stone* as entred the 7th Currant which Report was Read, and thereupon *Resolved*, That the Sum of *Thirty five shillings* be allowed and paid out of the Publick Treasury to the Accomptant *Benjamin Stone* in full discharge thereof, *Fifteen shillings* being deducted for Horse hire, and *Ten shillings* for impressing the said Horses. Sent up for Concurrence.

On an Accompt of Capt. *John Ashley* as entred the 18th Currant, The Committee have examined the within Accompt; and are of opinion, That the Articles charged for sundrys supply'd Capt. *Baker* and Wife, &c. amounting to *l. 3 4 s. 2 d.* ought not to be allowed in this Accompt; that the other Charges are well Vouched and right Cast, that therefore the Sum of *l. 65 11 s. 6 d.* be allowed and paid out of the Publick Treasury to the Accomptant *John Ashley* to discharge this Accompt. Read and accepted and *Resolved*, That the Sum of *Sixty five pounds eleven shillings & six pence* be allowed and paid out of the Publick Treasury to the Accomptant Capt. *John Ashley* in full discharge of this Accompt agreeable to the above Report. Sent up for Concurrence. [24]

Post Meridiem.

A Petition of *Isaac Little*, Esq; as entred the 27th of *June* past, with the Answer of Mr. *Joseph Mallinson* thereto, and a Vote of Council on said Petition, viz. In Council, *Novemb. 22d 1723*. This Petition with the Answer of Mr. *Joseph Mallinson*, being Read and Considered. Ordered, That the prayer of this Petition be granted, and that the Petitioner have leave to bring in a Bill accordingly.

Sent down for Concurrence. Read & Concurr'd.

A Petition of Capt. *Edward Ward* late in the Service of this Province Eastward, shewing, That he has contracted the Distemper lately prevailing among the Forces, whereby he has lost the use of his Limbs, and incapable of future Service, praying the Consideration of this Court for Relief in the Premises.

Read & Dismiss'd.

An Accompt of *Caleb Brooks* for himself and nine others that waited on the Commissioners that went to *Albany* last *May*. Read & Committed to the Committee for Muster-Rolls.

Col. *Dudley* from the Committee for Muster-Rolls, reported on the Accompt of *John Gooch*, as entred the 15th viz. The Committee have examined the within Accompt amounting to *l. 6 2 s. 10 d.* find it right Cast & Vouch'd by the Receipts and Orders therefor, are therefore of opinion, That the said Sum be allowed and paid to the said *John Gooch* in full Discharge thereof; and as for the other Charge for Wages as Commissary, the Committee are of opinion, that it ought not to be allowed, there being another Commissary in Service and Pay, besides the Allowances to the Captains for delivering out the Publick Stores. Read and accepted and *Resolved*, That the Sum of *Six pounds two shillings & ten pence* be allowed and paid out of Publick Treasury to Mr. *John Gooch* in full discharge & satisfaction of the within Accompt. Sent up for Concurrence.

Voted, That *Jonathan Remington*, and *Elisha Cooke*, Esqrs; Capt. *William Throop*, *James Cawley*, *John Stoddard*, and *John Quincey*, Esqrs; with such as the Honourable Board shall appoint, be a Committee to prepare some proper Instructions to be given for the Defence of our CHARTER, agreeable to a Vote of Council of the 14th Instant, to sit as soon as may. Sent up for Concurrence by *Charles Chambers*, *Josiah Cotton* & *Hopestill Browne*, Esqrs;

An Accompt of *Bartholomew Green* and *Samuel Kneeland* for Printing the Journal of this House, as by Accompt. Read and *Resolved*, That the Sum of *Thirty three Pounds seven Shillings*, be allowed and paid out of the Publick Treasury to the Accomptants *Bartholomew Green* and *Samuel Kneeland* in full discharge of said Accompt. Sent up for Concurrence.

Then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Sabbati Die 23. Novembris, A. D. 1723.

R *Resolved*, That Mr. Treasurer *Allen* be directed to furnish Mr. Speaker *Clark* with the Sum of *Three Hundred Pounds* Sterling, to be used and employed as the House of Representatives shall direct, for their necessary Defence, and prolonging our CHARTER Privileges. Sent up for Concurrence.

A Message from the Board by *John Cushing*, Esq; viz. The Board desire to know whether the House have pass'd on the Vote respecting the Agency, if they have not, they desire the House speedily to pass thereon and send it up.

Ordered, That a Message be sent up to the Honourable Board to acquaint them that the House have deferred the Consideration of the Vote respecting the Agency, till the Committee of both Houses have reported to the Court what Instructions they are of opinion, may be proper for them to give the Agent. Sent up by Mr. Cooke. [25]

Mr. Cooke from the Committee for Petitions, reported on the Accompt of Mr. Sheriff Winslow, as entred the 19th *viz.* The Committee have examined the within Accompt, and are of opinion that the Sum of *Ten Pounds* be allowed and paid out of the Publick Treasury to the Accomptant *Edward Winslow*, Esq; in consideration of his sending the Laws and the Proclamations for a Fast in *September* last; and that no allowance be granted for the other Article. Read and accepted, and *Resolved*, That the Sum of *Ten Pounds* be allowed and paid out of the Publick Treasury to the Accomptant *Edward Winslow* Esq; in full discharge of this Accompt. Sent up for Concurrence.

Col. Dudley from the Committee for Muster-Rolls, reported, *viz.*

On the Muster-Roll of Capt. *Samuel Wheelwright*, The Committee having examined this Roll, find it right Cast, and well Vouch'd by the Oath of the said Capt. *Samuel Wheelwright*, are therefore of opinion that the Sum of *l. 278 3 s. 2 d.* be allowed and paid out of the Publick Treasury; to the Officers and Souldiers born on this Roll, in full discharge thereof. Read and accepted, and *Resolved*, That the Sum of *Two hundred seventy eight Pounds three Shillings & two Pence* be allowed and paid out of the Publick Treasury, to Capt. *Samuel Wheelwright*, the other Officers and Souldiers born on the within Roll, in full discharge of the Wages thereof. Sent up for Concurrence.

On the Muster-Roll of the Company late under the Command of Capt. *George Carlisle* deceased, The Committee having examined this Roll, find it right Cast and well Vouch'd by the Oath of *Ludo; Mth. Gowen*, are therefore of opinion that the Sum of *l. 89 10 s. 4 d.* be allowed and paid out of the Publick Treasury, unto the Legal Representative of the deceased Capt. *Carlisle*, and the other Officers & Soldiers born on this Roll, in full discharge thereof. Read and accepted, and *Resolved*, That the Sum of *Eighty nine Pounds ten Shillings & four Pence* be allowed and paid out of the Publick Treasury to the Legal Representative of the said Capt. *George Carlisle*, deceased, and the Officers and Soldiers born on the within Roll, in full Discharge of the Wages thereof. Sent up for Concurrence.

On the Muster-Roll of Capt. *Jacob Tilton*, The Committee having examined this Roll, find it right Cast and well Vouch'd by the Oath of *Ludo; Mth. Gowen*, who affirmed the Men born on this Roll were in Service the Time they stand entred, but Capt. *Jacob Tilton* having overcharged *Six Pounds* for delivering out the Stores since the Expiration of that Establishment, the Committee are of opinion that said Sum be deducted from out of his Wages, after which the Committee are of opinion, that the Sum of *l. 197 15 s. 4 d.* be allowed and paid out of the

Publick Treasury to the Officers and Souldiers born on this Roll in full discharge thereof. Read and accepted, and *Resolved*, That the Sum of *One hundred ninety seven Pounds fifteen shillings & four pence* be allowed and paid out of the Publick Treasury to the said Capt. *Jacob Tilton*, the other Officers and Souldiers born on the within Roll, in full discharge thereof, agreeable to the above Report.

Sent up for Concurrence.

On the Muster-Roll of the Garrison at His Majesty's Castle *William*, the Honourable *William Dummer*, Esq; Captain, The Committee having examin'd the same, find it right Cast and Vouch'd by Lieut. *John Larraby*, and according to the present Establishment, are therefore of opinion, That the Sum of *l. 352 11 s. 7 d.* be allowed and paid out of the Publick Treasury to whom the same is respectively due, in full discharge thereof. Read and accepted and *Resolved*, That the Sum of *Three hundred fifty two Pounds eleven shillings & seven pence*, be allowed and paid out of the Publick Treasury to the Honourable *William Dummer*, Esq; the other Officers & Souldiers born on the within Roll in full Discharge thereof.

Sent up for Concurrence. [26]

On the Muster-Roll of Lieut. *Benjamin Larraby*, The Committee having examined this Muster-Roll, find it right Cast and well Vouch'd by the Oath of Lieutenant *Benjamin Larraby*, therefore are of opinion, That the Sum of *l. 145 15 s. 4 d.* be allowed and paid out of the Publick Treasury unto the Officers and Souldiers born on this Roll in full discharge thereof. Read and accepted, and *Resolved*, That the Sum of *One hundred forty five pounds fifteen shillings & four pence* be allowed and paid out of the Publick Treasury to the said Lieutenant *Benjamin Larraby* the other Officers and Souldiers born on the within Roll, in full Discharge of the Wages thereof. Sent up for Concurrence.

Voted, That for the future the Acts and Laws that shall be made and pass'd by this Government, shall be lodg'd in the Secretary's Office; and no further Pay be allowed the Sheriff of the County of *Suffolk*, for transmitting them into the several other Counties of this Province. Sent up for Concurrence.

The Committee appointed by both Houses to take an Accompt of what Bills were in the Treasurer's hands torn and unfit for future Service, Reported, *viz.*

In Obedience to an Order of the Great and General Court at their present Session, appointing us the Subscribers a Committee to take an Accompt of Province Bills of Credit that are torn and defaced, We have accordingly received of Mr. Treasurer *Allen* the several Bills of the Denomination in the above Accompt, amounting to the Sum of *Six thousand nine hundred thirty six Pounds ten Shillings & six Pence*, at their express Value, all of which Bills we have burn'd to Ashes, whereof *l. 1474 5s. 11d.* part of the abovesaid Sum, was delivered us on Accompt of the *l. 50,000* Loan Neet Bills, received of the Trustees mentioned on the other side. Also *l. 5462 4 s. 7 d.* part of the above Sum was delivered us upon Accompt of the Province, as being received for Taxes, Impost and Excise; which with the

Five *per Cent.* advance, as they were taken into the Treasury, amounting to the Sum of *l. 5735 6 s. 10 d.* making in the whole *Seven thousand two hundred £ nine pounds twelve shillings £ nine pence:* As Witness our Hands *Novemb. 22d 1723.*

Penn Townsend, &c.

Read and accepted, and *Resolved*, That Mr. Treasurer *Allen* be discharged from the said Sum of *Seven thousand two hundred £ nine pounds twelve shillings and nine pence* accordingly. Sent up for Concurrence.

The said Committee further Reported, *viz.* We have received of Mr. Treasurer *Allen* the several Bills of the Denomination in the above Accompt, amounting to the Sum of *Nine hundred £ eighty pounds thirteen shillings* on Accompt of the *Canada* Loan; and caused the same to be burn'd to Ashes, as Witness our hands the twenty second of *November 1723.* *Penn Townsend, &c.*

Read and accepted, and *Resolved*, That Mr. Treasurer *Allen* be discharged from the Sum of *Nine hundred £ eighty pounds thirteen shillings* accordingly.

Sent up for Concurrence.

An Accompt of *John Huggin* of *Springfield*, for going Express, and his Expence thereon in the Service of this Government, by Order, Certified by Col. *Partrigg.*

Read and *Resolved*, That the Sum of *Twenty three shillings £ six pence* be allowed and paid out of the Publick Treasury to the Accomptant *John Huggin* in full discharge of the within Accompt. Sent up for Concurrence.

Then the House Adjourned till Monday next at Three a-Clock Afternoon.

VOTES

Of the House of Representatives.

Luna Die 25. Novembris, A. D. 1723.

VOted, That *John Pynchon*, Esq; have leave to go home to attend on the Inferiour Court next to be holden at *Springfield* for the County of *Hampshire*.

A Petition of *John Johnson* and others, Proprietors of and Inhabitants on a Farm called *Johnson's Farm*, nigh *Marlborough*, praying as entred the 14th of *June* past, Read. And the Question was put, *Whether the prayer of this Petition shall be granted?* It pass'd in the Negative.

The Precept sent to the Town of *Lancaster*, for chosing a Representative in the room of Mr. *Jabez Fairbanks*, return'd with a Certificate Signed by the Select-Men of said Town, That they had assembled the said Town for that purpose; and they Voted not to send another Representative.

A Bill Intituled, *An Act for the Ease & Quiet of Persons differing from the Established Way of Worship in this Province, and to enable Towns, &c to abate their Ministers Rates.* Read a first time.

A Bill Intituled, *An Act of Limitation for quieting of Possessions.* Read a first time.

A Petition of the Town of *Hadley* as entred the 14th of *June* last, and referred to this Session. Read and *Ordered*, That the said Petition be referred to the next *May* Session for further Consideration.

A Muster-Roll of several Companys in Col. *Partrigg's* Regiment in the Service of this Province, and an Accompt of sundry Expresses and Scouts sent in the Service by Col. *Stoddard*. Read & Committed to the Committee for Muster-Rolls.

Then the House Adjourned till to Morrow Morning Nine a-Clock.

Martis Die 26. Novembris, A. D. 1723.

APetition of *Samuel Browne* of *Rowley* as entred the 12th Currant. Read. And the Witnesses to the Deed mentioned in the Petition were admitted into the House: who declared severally they subscribed their Names when the same was Executed by the said *John Browne*, and was then intire and whole.

Ordered, That the prayer of the Petition be granted, and that the Petitioner have leave to bring in a Bill accordingly. Sent up for Concurrence.

A Petition of Capt. *Edmund Ward* as entred the 17th of *September* and referred

to this Session, praying, That an Estopple of *Thirty four Pounds ten Shillings* laid on his Wages, may be taken off for the Reasons therein mentioned. Read and

Resolved, That the prayer of the Petition be granted, and that the Treasurer be directed to pay the Petitioner his Wages accordingly. Sent up for Concurrence.

Ordered, That a Message be sent up to the Honourable Board, to enquire whether they have pass'd on the Vote of the House of *Saturday*, for *Three Hundred Pounds* Sterling to be lodged in Mr. Speaker's hands, for the Uses mentioned in said Vote.

Sent up by Mr. *Prescot* and Capt. *White*. [28]

Whereas the Sum of Thirteen Pounds eleven Shillings, so much carried out due to Joseph Presbury for his Wages under the Command of Capt. Pecker, is stop'd in the Treasury, until the said Presbury return two Province Arms he received; and the Treasurer having Certified that he returned one of the said Arms;

Resolved, That Mr. Treasurer *Allen* be directed to pay the said *Joseph Presbury* the Sum of *Ten Pounds & eleven Shillings*, the remaining Sum of his Wages, being *Three Pounds* to be still stop'd in the Treasury, until the said *Presbury* make it appear he has return'd the other Gun. Sent up for Concurrence.

A Bill Intituled, *An Act of Limitation for quieting of Possessions.*

Read a second time.

John Cushing, Esq; brought down the following Vote of Council, viz. In Council *November 25th 1723. Whereas by the Good Providence of G O D, a discovery has lately been made of near Four Hundred Counterfeit Bills in Imitation of the Ten Shilling Bills of Credit on this Province; and John Michael Kent Marriner is now in the Common Goal in Boston, on suspicion of, and charged with the Forging or Uttering the said Bills, the same being found upon him, and ought to be brought to his Tryal for the same as soon as may be, and the rather because John Dysert one of the principal Witnesses is bound to Sea. And whereas the Superior Court of Judicature, Court of Assize and General Goal Delivery for the County of Suffolk are under an Adjournment to sit on Tuesday the Third Day of December next; but forasmuch as the said Court have dismissed the Grand Jury that were Summoned to Attend the said Court so that the said John Michael Kent cannot be brought to his Tryal without summoning a Grand Jury for that Purpose: It is Voted and Ordered by the Authority of this Court, That the Clerk of the said Court Issue out a Warrant of Venire Facias directed to the Constables of the several Towns in the County of Suffolk as usual, for the Summoning a Grand Jury to attend the said Court at their next Adjournment; and the said Grand Jury so summoned and appearing shall proceed to enquire and make true Presentment of all such matters and things as shall then be Committed to their Charge, in as full and ample manner as tho' they had been summoned in the ordinary Course of the Law, and the Court & Jury to proceed upon any Presentment or Indictment found by the Grand Jury.*

Sent down for Concurrence.

Read and Nonconcurr'd.

And

Ordered, That the Sheriff of the County of *Suffolk* be directed to keep the Prisoner under strict Confinement, according to the nature of the Crime for which he stands Committed, and that the Witness or Witnesses be kept and retained at the Charge of the Province till the next Court of Assize and General Goal Delivery for the County of *Suffolk*. Sent up for Concurrence.

Voted, That a Bill be prepared in Addition to the *Act for holding special Courts of Assize and General Goal Delivery*, Made in the Twelfth Year of her late Majesty Queen *A N N E*, to extend to all Capital Offenders.

Sent up for Concurrence.

A Petition of *George Allen* Lieutenant in His Majesty's Service Eastward, praying, That an Estopple of *l. 16 14 s. 2 d.* laid on his Wages in Capt. *Heath's* Muster-Roll in *November 1722.* may be taken off for the reasons mentioned in the Petition.

Read and *Resolved*, That the prayer of the Petition be granted.

Sent up for Concurrence.

Post Meridiem.

A Muster-Roll of the Company of Troopers under the Command of Capt. *Daniel Epes* and a Muster-Roll of the Company of Troopers under the Command of Capt. *Samuel Pickard* in His Majesty's Service, being a Scout on part of the Western Frontiers. Both Read and Committed to the Committee for Muster-Rolls. [29]

A Petition of *Benjamin Blackstone* of *Salem* Sawyer, praying he may be allowed to File Reasons of Appeal from a Judgment of an Inferiour Court, recovered against him at *Salem* in the County of *Essex* on the last Tuesday of *June* last, by *George Felt* of *Salem* Blockmaker, to the next Superiour Court of Judicature to be Holden at *Ipswich* for the said County of *Essex* in *May* next, he having fail'd in his Reasons of Appeal at the Superiour Court held at *Salem* on the last Tuesday of *October* past, for want of an Attorney to help him in Filing said Reasons. Read and *Resolved*, That the prayer of the Petition be granted, and that the Petitioner have leave to bring in a Bill accordingly.

Sent up for Concurrence.

An Accompt of *John Green* for going Express from *Boston* to *Hatfield*, Horse-hire, Expences, &c. by Order; Certified by Mr. Sheriff *Winslow*. Read and *Resolved*, That the Sum of *Four Pounds* be allowed and paid out of the Publick Treasury to the Accomptant *John Green* in full Discharge of said Accompt.

Sent up for Concurrence.

A Bill Intituled, *An Act for the Ease & Quiet of Persons differing from the Established way of Worship in this Province and to enable Towns, &c. to abate their Ministers Rates.* Read a second time.

A Message by Mr. Secretary, *viz.*

Mr. Speaker,

His Honour expects this House forthwith to attend him in the Council Chamber upon the Hearing appointed to be had this Day on the Petition of Capt. Isaac Winslow.

Mr. Speaker and the House went up accordingly; and the Hearing being over, Mr. Speaker with the House returned to their own Chamber.

Then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Mercurij Die 27. Novembris, A. D. 1723.

A Bill Entituled, *An Act of Limitation for Quieting of Possessions.* Read a Third Time, and Committed to *John Stoddard, William Dudley, Jonathan Remington,* and *Isaac Little Esqrs;* to consider of said Bill, and make such Amendments thereon as they think proper, and make report thereof.

An Accompt of Doctor *Edward Ellis*, for his Service to the Forces Eastward, from the 29th of *August*, to the Nineteenth of *September* past.

Read & Dismiss'd.

Whereas at a Great and General Court or Assembly held at Boston, upon the Seventh Day of August, last, An Act for preventing Abuses in Distilling Rhum, &c. was Made and Passed, and sundry Persons appointed Assay Masters for that Service, who have viewed and examined several Still-Heads and Worms, and find many of them made of base Metal, which are pernicious; and notwithstanding the Persons owning such Still-Heads and Worms are acquainted therewith, they presume still to improve them contrary to the said Act:

Resolved, That *John Darrel* of *Boston*, Under-Sheriff, be and hereby is Authorized and Directed forthwith to repair to the Houses where such Still-Heads or Worms are or may be found, and immediately Cut asunder all such, and make them incapable of being made use of in that Service; And that he be allowed and paid the Sum of *Five Shillings* for every Still-Head or Worm by him so defaced; and that he be furnished with a Copy of the Return of the Assay Masters, for his direction in this Affair. Sent up for Concurrence.

Voted, That a Message be sent up to His Honour the Lieut. Governour, to Desire the Court may be Adjourned to Monday next, at Three a-Clock afternoon.

Sent up by Col. *Dudley*.

Ordered, That the Hearing appointed to be had this day upon the Petition of the Select-men of *Glocester* about the *Cutt*, be deferred to Wednesday next. [30]

A Message from His Honour by Mr. Secretary, *viz.* Mr. Speaker, His Honour has directed me to acquaint this Honourable House, That it is his Pleasure that this Great and General Court or Assembly be Adjourned to *Tuesday* next the Third day of *December* at Ten of the Clock in the Morning; And then Mr. Secretary declared, That the said Great and General Court was Adjourned accordingly.

Martis Die 3. Decembris, A. D. 1723.

A Muster Roll of the Company of Troopers in His Majesty's Service under the Command of Capt. *Henry Dwight*. Read and Committed to the Committee for Muster-Rolls.

A Declaration of *Ebenezer Balch* of *Beverly*, taken before the Honourable the Justices of His Majesty's Superiour Court of Judicature, &c. holden at *Salem* for the County of *Essex* on the last Tuesday of *October* past, giving an Account, That he the declarant with *Thomas Cox* Master of a Fishing Vessel, and Others were present when *Solomon Trow* and *Nathaniel Wood*, Two Fishermen were Murdered by *Samuel Meuse*, Indian, and others his Accomplices at *Le Have* the first day of *July* past.

Read, and thereupon

Voted, That the within Named *Samuel Meuse* and others his Accomplices, *Indians*, be speedily brought to a Tryal, Pursuant to an Act Made in the Twelfth Year of the Reign of Her late Majesty Queen *A N N E*, Entituled, *An Act for Holding Special Courts of Assize and General Goal Delivery*; And the Attorney General is hereby directed and required to take Effectual Care, That the Witnesses forthwith Recognize to give Evidence on behalf of Our Sovereign Lord the K I N G at the Tryal; and that the Sheriff of the County of *Suffolk* be directed to keep the said *Meuse* and his Accomplices under strict Confinement until their Tryal.

Sent up for Concurrence.

A Muster-Roll of the Company of Troopers in His Majesty's Service under the Command of *Abijah Dewey*, Capt. Read and Committed to the Committee for Muster Rolls.

An Accompt of *Edward Watts* for sundry Horses and Post Carriage for them in the Service of this Province. Read and Committed to the Committee for Petitions.

An Accompt of Dr. *George Pemberton*, for Visits, Administrations, Attendance, &c. on sundry Souldiers at his Majesty's Garrison at *Castle William*, Read and committed to the Committee for Petitions, who are Ordered to enquire into the state of sundry Invalids at said Garrison, and report what they think proper for this Court to act touching the said Invalids.

Post Meridiem.

A Private Bill Entituled, *An Act for the confirming and more sure making to Samuel Browne of Rowley, in the County of Essex Husbandman, and to his Heirs for ever of certain Housing and Lands within the Towns of Rowley and Bradford, granted to him by his Father John Browne late of said Rowley Yeoman Deceased.*

Read a first time.

A Bill Entituled, *An Act for the ease and quiet of Persons differing from the Established way of Worship.* Read a third time, and the Question was put, Whether the Bill shall pass to be Engrossed? It past in the Negative.

A Petition of *Remember Corey* of *Tiverton*, formerly Wife of *John Die* of *Little-Comton* Deceased, setting forth that *William Die*, Father of said *John Die*, has by a Deed of Gift well executed in the Law, settled his Estate on the Children of the said *John*, that he is now very much advanced in Years, and uncapable of taking prudent care of the management of the same which is very likely to be wasted, praying that Overseers may be appointed for the said Estate during the Life time of the said *William Die*. [31] Read and Ordered, That Mr. *Prescot*, Mr. *Shove* and Mr. *Cotton*, be a Committee to take the Subject matter of this Petition under consideration, and make Report of what they think proper to be done thereon.

Col. *Dudley* from the Committee for Muster-Rolls Reported on the Muster Roll of the Sloop *George*, *David Franklin* Master, The Committee having Examined the Roll find it Right Cast & well Vouch'd, & are of Opinion that the Sum of *l. 194 19 s. 3 d.* be allowed and paid out of the Publick Treasury unto *David Franklin*, Master of said Sloop *George*, and to the Men mentioned in this Roll for their Wages and Sloop-hire in full discharge thereof. Read and accepted and Resolved, that the Sum of *One Hundred ninety four Pounds nineteen shillings and three pence* be allowed and paid out of the Publick Treasury to *David Franklin*, and the Men born on the within Roll, in full discharge of the Wages and Sloop-hire therein mentioned. Sent up for Concurrence.

An Accompt of *Benjamin Hill*, Surgeon to the Forces Eastward, Amounting to *Twenty Seven Pounds.* Read and Committed to the Committee for Muster-Rolls.

Then the House Adjourned till to-Morrow Morning Nine, a-Clock.

Mercurij Die 4. Decembris, A. D. 1723.

A Private Bill Entituled, *An Act for confirming and more sure making to Samuel Browne of Rowley in the County of Essex Husbandman, and to his Heirs for ever, of certain Housing & Lands within the Towns of Rowley & Bradford granted to him by his Father John Browne late of said Rowley Yeoman deceased.*

Read a second & third time and pass'd to be Engross'd.

Sent up for Concurrence.

A Muster-Roll of the Company in his Majesty's Service under the Command of Capt. *Francis Barker.*

A Muster-Roll of the Garrison at His Majesty's Fort *Mary* at Winter Harbour, under the Command of Capt. *Samuel Hincks.* Both Read and Committed to the Committee for Muster-Rolls.

Ordered, That Mr. *Reed* go up with a Message to the Honourable Board to enquire whether any thing was likely to come down this Forenoon. Who returned, That the Board informed him that nothing would be sent down this Forenoon.

Post Meridicm.

Mr. *Cooke* from the Committee for Petitions reported, *viz.*

On the Accompt of Col. *Dennison* as entred the 13th of *November*, The Committee are of opinion, That the Sum of *Two Pounds five Shillings* be allowed and paid out of the Publick Treasury to the Accomptant in full Discharge of the above Accompt.

Read and accepted, and *Resolved*, That the Sum of *Two Pounds five Shillings* be allowed and paid out of the Publick Treasury to Col. *John Dennison* in full Discharge of his Accompt. Sent up for Concurrence.

On the Petition of *Francis Moore* Guardian to *William Cooke* a Minor as entred the 20th of *November*, The Committee are of opinion, That the Petitioner attend the direction of the Law, *enabling Administrators or Executors to sell real Estates*, "That Notifications be Posted up before the Time of Sale. Read and accepted and *Ordered*, That the prayer of the Petition be granted, The Petitioner to attend the Law *enabling Administrators & Executors to make Sale of real Estates*, That Notifications be Posted up before the time of Sale. Sent up for Concurrence.

A Muster-Roll of the Company in His Majesty's Service under the Command of Col. *Eleazer Tyng*.

A Muster-Roll of the Company of Troopers in His Majesty's Service under the Command of Maj. *Matthew Whipple*, Captain. And [32]

A Muster-Roll of the Company of Troopers in His Majesty's Service under the Command of Capt. *Eleazer Wheelock*. Read and Committed to the Committee for Muster-Rolls.

A Bill Entituled, *An Act in addition to an Act Entituled, An Act for preventing of Abuses in Distilling Rhum and other strong Liquors with Leaden Heads or Pipes Made and Passed this present Year, at a Session of this Court in August last.*

Read a first Time.

A Bill Entituled, *An Act for reducing Indians, Negroes & Molattoes, residing in, and belonging to the Town of Boston, to good Order.* Read a first Time.

Then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Jovis Die 5. Decembris, A. D. 1723.

A Bill Entituled, *An Act in addition to an Act for preventing Abuses in Distilling of Rhum and other strong Liquors, with Leaden Heads or Pipes.* Made & Passed at a Session of this Court in *August last.* Read a second Time.

A Letter from Mr. *Timothy Dwight* of *Northampton*, referring to some Trees he had let out for drawing Turpentine, pursuant to an Order of Court, pass'd the 24th of *June* last, with the Accompts of Charge thereon. Read & Committed to the Committee for Petitions, who are to take the Subject matter of said Letter under Consideration, and Report what they think proper for this Court to order thereon.

Voted, That Mr. *Little* be joyned to the Committee for Petitions in the room of Maj. *Pyncheon* who has leave to go home for some time; and that Col. *Bond* be also added to the said Committee.

A Muster-Roll of the Company in His Majesty's Service under the Command of *Edward Hartwell* Sergeant. Read & Committed to the Committee for Muster-Rolls.

Ordered, That a Message be sent up to the Honourable Board to enquire whether they have pass'd on the Report of the Committee of both Houses for giving Instructions to the Agency for the Court; if they have, that they would send it down.

Whereas some Quantities of base & mixed Metal of several sizes have lately been brought into the Province, and by some Persons been offered and accepted as a Medium of Trade in Barter or Exchange at excessive & exorbitant Prices, which if not duely & timely prevented may prove of the most pernicious Consequence to the Estates of the Inhabitants of this Province; and this House being informed, That there are large Quantities of the said Metal shortly expected to be imported here:

Voted, That Capt. *Chambers*, Capt. *Brooks*, Capt. *Little*, and Mr. *Phillips* with such as the Honourable Board shall appoint, be a Committee to take that matter under consideration, and make Report of what they think necessary for this Court to order for preventing the same, to sit forthwith. Sent up for Concurrence.

A Bill Entituled, *An Act for reducing Indians, Negroes & Molattoes residing in and belonging to the Town of Boston to good Order.* Read a second Time.

Mr. *Prescot* from the Committee to whom was referred the Petition of *Remember Corey* as entred the 3d Instant, Reported, That they had considered thereof, and can find no sufficient Vouchers to prove the matters suggested therein, the Deed and Will refer'd to, not being produced, are therefore humbly of opinion, That the said Petition be dismiss'd. Read and accepted, and *Voted*, That the said Petition be dismiss'd accordingly.

James Cawley, Esq; from the Committee to whom was referred the Petition of the Select-Men of *Glocester*, with the Answer of Mr. *Samuel Stevens* thereto, Reported, That they had considered of the same, and are humbly of opinion, That it be referred to the *May* Session for further Consideration.

Read and accepted. [33]

Post Meridiem.

Mr. Cooke from the Committee for Petitions Reported, viz.

On the Accompt of *Edward Watts* as entred the 3d Currant, The Committee are of opinion, That the Sum of 31 s. 6 d. be allowed and paid out of the Publick Treasury to the Accomptant *Edward Watts* in full Discharge of the within Accompt. Read and accepted, and *Resolved*, That the Sum of *Thirty one Shillings & six Pence* be allowed and paid out of the Publick Treasury to the Accomptant *Edward Watts* in full Discharge thereof. Sent up for Concurrence.

On the Petition of *Nathaniel Marsters* as entred the 4th of *September* past, and referred to this Session, The Committee are of opinion, That in Consideration of what Damage the Master & Crew have suffered in being taken off from their intended Fishing Voyage, and for their Service, That the Sums following be allowed & paid out of the Publick Treasury to the Petitioner *Nathaniel Marsters*, viz. *Seven Pounds ten shillings* for Provisions, subsisting the Men, *Four Pounds ten Shillings* Wages for the Master, *Ten Pounds* Sloop-Hire, and the Sum of *Nine Pounds* Wages for the Five Men. Read and accepted, and *Resolved*, That the Sum of *Thirty one Pounds* be allowed and paid out of the Publick Treasury to the Petitioner *Nathaniel Marsters* and his Men agreeable to the above Report in full Satisfaction of said Petition. Sent up for Concurrence.

On the Petition of *Samuel Sprague* and others, in behalf of the Town of *Rochester*, as entred the 21st of *November*, The Committee are of opinion, That the prayer of the Petition be so far granted, as that the Petitioners have Liberty to bring in a Bill to enable Messieurs *Benjamin Hammond*, *John Briggs* and *Samuel Sprague* to sell and dispose of the several Lotts mentioned in the said Petition, and that they lay out the whole Produce thereof in purchasing other Lands in the Town of *Rochester* for the Use of the Ministry there, they the said *Benjamin Hammond*, *John Briggs* and *Samuel Sprague* first giving Security to the Treasurer of the Town of *Rochester*, for the Use of said Town to the Value of *Twelve Hundred Pounds*, conditioned, That they shall within the space of one Year after Sale made of the aforesaid Lotts, purchase other Lands with the produce of the former, for the Ends and Uses aforesaid. Read & accepted, and *Resolved*, That the Petitioners have Leave to bring in a Bill according to the above Report. Sent up for Concurrence.

On the Petition of *William Rutter* of *Mendon* as entred the 5th of *September* past, and referred to this Session. The Committee are of opinion, That the Sum of *Five Pounds* be allowed and paid out of the Publick Treasury to the Petitioner in consideration of the Wounds mentioned in said Petition, and that the like Sum of *Five Pounds* be allowed and paid to the Petitioner annually, till the Court's further Order. Read and accepted, and *Resolved*, That the Sum of *Five Pounds* be allowed and paid out of the Publick Treasury to the Petitioner in consideration of the Wounds mentioned in the Petition; and that the like Sum of *Five Pounds* be

further allowed and paid out of the Publick Treasury annually to the Petitioner *William Rutter*, till the further Order of this Court. Sent up for Concurrence.

A Muster-Roll of the Company of Troopers in His Majesty's Service, under the Command of Capt. *Ebenezer Brookes*. And

A Muster-Roll of the Company of Troopers in His Majesty's Service, under the Command of Capt. *Nathaniel Bowman*. Read & Committed to the Committee for Muster-Rolls.

Ordered, That Mr. *Tay* go up with a Message to the Honourable Board to desire they would send down the Report of the Committee of both Houses appointed to prepare Instructions for the Agency of the Province, if they have pass'd on it. Who return'd, That His Honour said, He could not tell whether the Report would come down this Night; but desired the House would not presently rise, for that something of Consequence would presently be sent down. [34]

A Message from the Board in Writing by *Penn Townsend & Jonathan Belcher*, Esqrs; viz.

Mr. Speaker,

The Board having seen a Writing said to be an Extract of a Report of the Lords Commissioners for Trade & Plantations, think it a matter of that Consequence, that it ought to be Communicated to the Honourable House; and hope that after their perusal and Consideration of it, the House will think it necessary to pass upon the Vote respecting an Agent (now lying with them) as soon as possible.

December, 4th 1723.

Which Message was accompanied with the aforesaid Extract.

Then the House Adjourned till to Morrow Morning Nine a-Clock.

Veneris Die 6. Decembris, A. D. 1723.

WH E R E A S the Court of General Sessions of the Peace and Inferiour Court of Common Pleas for the County of Middlesex, are appointed by Law to be held at Charlestown in said County, upon the Second Tuesday of this Instant December, and several of the Justices of the said County &c. concerned, are Members of this Court:

Resolved, That in consideration of the present sitting of the General Court, The said Court of General Sessions of the Peace and Inferiour Court of Common Pleas, be and hereby are Adjourned to the *Fourth Tuesday* of this Instant *December*: Any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

Mr. *Cooke* from the Committee for Petitions, reported, viz.

On the Accompt of Dr. *George Pemberton*, as Entred the 3d Currant, The Committee have Examined the within Accompt find it right Cast, and well Vouch'd, That therefore the Sum of *l. 23 12 s.* be allowed and paid out of the Publick Treas-

ury to the Accomptant *George Pemberton* in full discharge of this Accompt; and are of Opinion, That *Jasper Thames* and *Edward Day*, Two of the Souldiers at that Garrison being rendred incapable of doing Duty there by reason of Weakness and Infirmary of Body, be dismissed the Service, and that they be Received and Entertained at the Alms-house in *Boston*, at the Charge of the Province, if they see meet; The charge of the Doctors visiting those Two Persons and Medicines being very considerable.

Read and Accepted, and

Resolved, That the Sum of *Twenty three Pounds Twelve shillings* be allowed and paid out of the Publick Treasury to Dr. *George Pemberton* in full discharge of the within Accompt: And that His Honour the Lieut. Governour be desired to dismiss the said *Jasper Thames* and *Edward Day*, they being incapable of future Service: And that they be entertained at the Alms-House in *Boston* at the Province Charge, if they see cause. Sent up for Concurrence.

On the Letter of Mr. *Timothy Dwight*, as entred Yesterday, The Committee are of Opinion, That the within Named *Timothy Dwight* demand and receive the *Sixty three Pounds* from the Persons engaged to pay the same, The Trees let out growing upon Lands belonging to this Province, and pay in the same to the Publick Treasury forthwith. Read, and Accepted, and *Resolved*, That Mr. *Timothy Dwight* be directed to pay the said *Sixty three Pounds* into the Publick Treasury agreeable to the above Report. Sent up for Concurrence.

On the Accompt of Mr. *Timothy Dwight* for his Trouble & Expence as particularly expressed in the abovesaid Letter in the Service and by Order of this Government, The Committee are of Opinion, That the Sum of *l. 4 16 s.* be allowed and paid out of the Publick Treasury to the Accomptant *Timothy Dwight* in full discharge thereof. Read and Accepted, and *Resolved*, That the Sum of *Four Pounds Sixteen shillings* be allowed and paid out of the Publick Treasury to the Accomptant Mr. *Timothy Dwight* in full discharge thereof.

Sent up for Concurrence. [35]

On the Accompt of Mr. *Ebenezer Marsh* in the aforesaid Service his Time and Expence, The Committee are of Opinion, That the Sum of *l. 4. 2 s.* be allowed and paid out of the Publick Treasury to *Ebenezer Marsh* in full for the Service above-mentioned. Read and accepted, and *Resolved*, That the Sum of *Four Pounds Two shillings* be allowed and paid out of the Publick Treasury to the Accomptant *Ebenezer Marsh*, in full discharge thereof. Sent up for Concurrence.

Voted, That a Message be sent up to the Honourable Board, to enquire if they have pass'd on the Report of the Committee of both Houses appointed to prepare Instructions to be given to the Agency of this Province; if they have not, that the House desire they would speedily pass thereon, and sent it down. Sent up by Mr. *Lewis*, Capt. *Rolfe*, and Mr. *Menzies*.

Penn Townsend Esq; brought down a Memorial of the Committee appointed

the 21st of *June* 1722. for procuring an Orthodox Minister for the Town of *Tiverton*, shewing, That they have Recommended the Reverend Mr. *Theophilus Pickering* to the work of the Ministry there, and that he has Attended that Service One Year, and has received out of the Publick Treasury *Thirty Pounds*, praying some further Reward for his Labour, and that this Court would give further directions for the continuance of the *Gospel* at *Tiverton*; passed in Council, *viz.* In Council, *Decemb. 4th.* 1723. Read and sent down Recommended. Read, and *Resolved*, That the Sum of *Forty-two Pounds* be allowed and paid out of the Publick Treasury to the said Committee for the use of the said Mr. *Theophilus Pickering*, for his work in the Ministry at the Town of *Tiverton*; and further, That it be Recommended to the said Committee still to take Effectual Care that the said Town be furnished with a Learned Orthodox Minister pursuant to the aforesaid Vote of *June* 21st. Sent up for Concurrence.

A Memorial of *Josiah Willard* Esq; Secretary of this Province, praying for Allowance on account of his extraordinary Service, &c. as particularly expressed in the said Memorial; pass'd in Council, *viz.* In Council, *Decemb. 6th.* 1723. Read, and sent down Recommended; The Board being sensible that the Affairs and Business of the Province cannot be carried on without some further assistance. Read.

John Cushing and *John Wheelwright* Esqrs; brought down the Report of the Committee of both Houses appointed to prepare Instructions for the Agency, pass'd in Council, *viz.* In Council, *Decemb. 6th.* 1723. Read and Ordered, That this Report of Instructions be accepted with the Amendments. Sent down for Concurrence. Read twice, and *Resolved*, That the House will enter into the Consideration of the said Report and Vote of Council at Three a Clock afternoon.

Post Meridiem.

According to the Resolve pass'd beforenoon, The House entred into the Consideration of the Report of the Committee of both Houses for drawing Instructions to be given to the Agency for this Court; which being Read, and after some debate thereon, and the Vote of Council, The Question was put, *Whether the House will Concur with the said Vote?* Resolved in the Affirmative. And sent up by Col. *Dudley*, Mr. *Menzies*, and Maj. *Quincey*, who also carried up the following Message, *viz.*

Voted, That a Message be sent up to the Honourable Board, to inquire whether they have pass'd on the Vote of the 23d of *November* past, directing the Treasurer to furnish Mr. Speaker *Clarke*, with *Three Hundred Pounds* Sterling, to be employ'd for the defence of our Charter Privileges; and that if they have not, the House desire they would speedily pass upon said Vote.

The Vote of Council brought down the 14th of *November*, with a Subsequent

Vote of Council thereon as entred the 21 st of *November* past. Read and
the Question was put, *Whether the House will adhere to said Vote?*

Resolved in the Affirmative. [36]

A Message from His Honour by *Adam Winthrop Esq; viz.*

Gentlemen of the Representatives,

Jasper Thames one of the Souldiers of His Majesty's Garrison at Castle William, having been for a long Time in the Service, and by Age and Infirmary being rendred incapable of further Service, and it seeming hard to dismiss him until some allowance be made by the Government for his support; I recommend him to the Favour of the Court that he may be supported at the Garrison, as other Souldiers have been in the like Case.

Decemb. 6th. 1723.

WM. DUMMER.

Who also brought down,

The Accompt of Dr. *Pemberton*, with the Vote of the House thereon. Sent
up this Morning, pass'd in Council, *viz.* In Council, *Decemb. 6th 1723.*

Read and Concurr'd so far as relates to the Allowance of this Accompt.

Sent down for Concurrence.

Ordered, That Mr. *Cooke* go up with a Message to His Honour and the Board, to acquaint them of the Reason, why the House came into the Vote respecting the removal of *Jasper Thames*, &c.

Then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Sabbati Die 7. Decembris, A. D. 1723.

A Bill Entituled, *An Act in Addition to an Act Entituled, An Act for preventing Abuses in Distilling of Rhum, and other strong Liquors, with Leaden Heads or Pipes, made and passed at a Session of this Court in August last.* Read a
Third time, and *Resolved*, That the Bill do pass to be Engross'd.

Sent up for Concurrence.

A Bill Entituled, *An Act for reducing Indians, Negroes and Molattoes residing and belonging to the Town of Boston to good Order.* Read and Committed to Maj. *Quincey*, Capt. *Throop* and Capt. *Rolfe* to take the same under Consideration, and make Report of what Amendments or Additions may be proper to be made on said Bill.

An Accompt of Col. *Joseph Buckminster* for going and sending Expresses by Order of the Lieut. Governour from *Boston* to *Lancaster*, *Groton*, *Shrewsbury*, *Worcester* and *Rutland*, in the Service of this Province. Read, and *Resolved*, That the Sum of *Fifty five shillings* be allowed and paid out of the Publick Treasury to Col. *Joseph Buckminster* the Accomptant, in full discharge of the said Accompt.

Sent up for Concurrence.

The Accompt of Dr. *George Pemberton*, brought down last Night, with the Vote of Council thereon. Read, and Non-Concurr'd, and the House adhere to their own Vote.

A Muster-Roll of the Company in His Majesty's Service, being Troopers, under the Command of Capt. *John Flint*, Read & Committed to the Committee for Muster-Rolls.

A Petition of *Shubal Gorham*, Esq; Sheriff of the County of *Barnstable*, praying, That the Sum of *l. 7 8 s.* may be allowed for seizing one *John Blye* alias *Dupe* for making base Pieces of Eight in Imitation of true Spanish Pieces of Eight, keeping him in *Barnstable* Goal, and bringing him to *Boston*, and committing him to His Majesty's Goal in *Boston* by Virtue of a Writ of *Habeas Corpus* from the Clerks Office of His Majesty's Court of Assize. Read and Resolved, That the Sum

of *Seven Pounds eight Shillings* be allowed and paid out of the Publick Treasury to the said *Shubal Gorham*, in full Discharge of said Accompt.

Sent up for Concurrence.

A Message from the Board in Writing by *Thomas Hutchinson*, Esq; viz.

Mr. Speaker,

The Reason that the Board did not pass further on the Vote respecting Thames & Day is, That they were of opinion, it is most proper that a direct Application be made to His Honour the Lieutenant Governour, as to those Souldiers before any Resolution be taken by the Court for their Support.

December 7th 1723. [37]

Jonathan Dowse, Esq; brought down a Journal of *Alexander Hamilton*, late Captive taken by the Eastern Indians and carried to *Canada*, giving a particular Account of his Observations, &c. of the Indians and French during his Captivity, and the following Vote of Council, viz. In Council, Dec. 7th 1723. Voted, That a Message be sent down to the Honourable House of Representatives to recommend Mr. *Alexander Hamilton*, that so some allowance may be made to him out of the Publick Treasury, in consideration of his Losses & Sufferings by his Captivity among the Indians and French, and his Attendance sometime on this Court, by Order of His Honour the Lieutenant Governour, to form his Journal, by a proper Improvement whereof it is hoped some considerable Benefit may acruce to this Province.

Col. *Dudley* from the Committee for Muster-Rolls Reported, viz.

On the Muster-Roll of the Company under the Command of Serjeant *Edward Hartwell* as entred the 5th Currant, containing the Scouts at *Shrewsbury*, *Lancaster* and *Groton*, The Committee find it right Cast and well Vouch'd, The Committee are therefore of opinion, That the Sum of *l. 94 10 s.* be allowed and paid out of the Publick Treasury to Mr. *Benjamin Prescott* of *Groton*, to be by him repaid to the several Souldiers born on this Roll, and those that did Duty in those Towns, in Scouting, and that the further Sum of *l. 46 5 s. 9 d.* be allowed and paid out of the Publick Treasury to the said *Prescott*, and by him repaid to the Persons that have subsisted the said Souldiers in full Discharge of this Muster-Roll. Read and accepted, and Resolved, That the Sum of *Ninety four pounds ten*

shillings, and Forty six pounds five shillings & nine pence making in the whole the Sum of One hundred forty pounds fifteen shillings & nine pence be allowed and paid out of the Publick Treasury to Mr. Benjamin Prescott to be by him repaid to the several Persons to whom the same is respectively due for Wages and Subsistence of the Men born on the above Muster-Roll agreeable to the said Report.

Sent up for Concurrence.

On the Muster-Roll of the Company of Troopers under the Command of Capt. *Eleazer Wheelock*. The Committee having examined this Muster Roll, find it right Cast and well-Vouch'd, are therefore of opinion, That the Sum of *l. 149 8 s. 5 d.* be allowed and paid out of the Publick Treasury, to the said Capt. *Wheelock* to be by him repaid to the Officers and Souldiers born on this Roll, and the Persons that have subsisted them in full discharge thereof. *And whereas it appears, that Capt. Wheelock has charged one Day short in his Roll, viz. the Day of his Troops return.* The Committee are further of Opinion, that the Sum of *Six Pounds Eleven Shillings & six pence* be allowed & Paid out of the Publick Treasury, for their Wages & Subsistence for that Day to the said *Wheelock* for himself & men in full discharge thereof. Read & Accepted, and *Resolved*, That the Sum of *One Hundred Fifty Five Pounds fifteen shillings & eleven pence* be Allowed and Paid out of the Publick Treasury to Capt. *Ebenezer Wheelock*, to be by him repaid to the several persons to whom the same is respectively due for Wages and Subsistence, of the Men born on the within Roll agreeable to the above Report.

Sent up for Concurrence.

On the Muster-Roll of Capt. *Daniel Epes*, as entred the 26th of *November* past. The Committee find it right Cast, well Vouched and according to Establishment for Troopers, are therefore of Opinion, That the Sum of *One Hundred Eighty Five Pounds four shillings & six pence* be allowed and Paid out of the Publick Treasury to the said Capt. *Epes*, to be by him Paid to the several Officers and Souldiers and Persons that Subsisted said Troopers in full Discharge of this Muster-Roll. Read & Accepted, and *Resolved*, That the Sum of *One Hundred Eighty Five Pounds, four shillings & six pence* be allowed and paid out of the Publick Treasury to the said Capt. *Daniel Epes* to be by him repaid to the Officers and Souldiers born on the within Roll, and the Persons that subsisted them in full discharge thereof.

Sent up for Concurrence. [38]

On the Muster-Roll of Major *Matthew Whipple* as entred the 4th Currant. The Committee find it right Cast, well-Vouch'd and according to the Establishment, wherefore are of Opinion that the Sum of *One Hundred Thirty four Pounds, Ten shillings and eight pence* be Allowed and Paid out of the Publick Treasury to the said Major *Matthew Whipple* to be by him repaid to the several Officers, Souldiers, and Persons that have subsisted the Troop in full Discharge of this Muster Roll. Read and Accepted and *Resolved*, That the Sum of *One Hundred Thirty four Pounds, Ten Shillings and eight pence* be allowed & paid out of the Publick Treas-

ury to the said Maj. *Matthew Whipple*, to be by him repaid to the Officers and Souldiers born on the within Muster-Roll, and Persons who have subsisted this Troop in full Discharge of the Roll.

Sent up for Concurrence.

On the Muster-Roll of Capt. *Pichard* as entred the 26th of *November* past. The Committee find it right Cast, and well-Vouch'd and according to the Establishment for Troopers, are therefore of Opinion, That the sum of *One Hundred Twenty five Pounds Fifteen Shillings* be Allowed and Paid out of the Publick Treasury unto the said Capt *Pichard* to be by him Paid to the several persons Named in the Roll and others that subsisted them in full Discharge thereof. Read and Accepted and *Resolved*, That the Sum of *One Hundred Twenty five Pounds, Fifteen shillings* be Allowed and Paid out of the Publick Treasury unto the said Capt. *Samuel Pichard* to be by him repaid to the Officers and Souldiers born on the within Roll, and the Persons that subsisted the Men therein, in full discharge of the same.

Sent up for Concurrence.

On the Accompt of Col. *John Stoddard*, for sundry Scouts & Expresses in the Service of the Province, as entred the 25th *ult.* The Committee having examin'd this Accompt, find it right Cast, and the several Articles therein contained reasonable, are therefore of opinion, That the Sum of *l. 21 13 s.* be allowed & paid out of the Publick Treasury to *John Stoddard*, Esq; to be by him repaid to the several Persons to whom the same is due, in full discharge thereof. Read & accepted, and *Resolved*, That the Sum of *Twenty one Pounds thirteen shillings* be allowed and paid out of the Publick Treasury to *John Stoddard*, Esq; to be by him repaid to the Persons to whom the same is respectively due, in full Discharge thereof.

Sent up for Concurrence.

On the Accompts of *Benjamin Stebbens*, *Jonathan Burt* and *Ebenezer Pumroy* as entred the 15th *ult.* The Committee find them right Cast and well Vouch'd, are therefore of opinion, that the several Accompts amounting in the whole to the Sum of *l. 12 11 s. 7 d.* be allowed & paid out of the Publick Treasury, to *John Stoddard*, Esq; according to the Accomptants desire, in full discharge of these Accompts. Read and *Resolved*, That the Sum of *Twelve Pounds eleven shillings & seven pence*, be allowed and paid out of the Publick Treasury, it being the whole amount of the three within written Accompts, to *John Stoddard*, Esq; to be by him repaid to said Accomptants, in full Discharge thereof.

Sent up for Concurrence.

On the Accompt of Billeting Souldiers under the Command of Capt. *Goodrich*, posted at *Deerfield*, and *Jonathan Welds*, Esq; &c. Certified by Col. *Partrigg*, The Committee having examined the two several Accompts for Billeting Souldiers at *Deerfield*, both the *Connecticut & Massachusetts* Forces, amounting in the whole to *l. 28 7s. 10d.* find the same just and reasonable, are therefore of opinion, that the said Sum be allowed and paid out of the Publick Treasury unto Capt. *Jonathan*

Welds of *Deerfield*, and by him repaid to the several Persons named in these Accompts respectively, in full Discharge of them. Read & accepted, and *Resolved*, That the Sum of *Twenty eight Pounds seven shillings & ten pence* be allowed and paid out of the Publick Treasury, unto Capt. *Jonathan Welds*, to be by him repaid to the several Persons named in these Accompts, in full discharge thereof,

Sent up for Concurrence. [39]

On the Accompt of Col. *Partrigg* being an Accompt of sundry Posts sent in His Majesty's Service, The Committee having examin'd the above Accompt of Posts, Expresses, &c. are of opinion, that the first, second, fifth, sixth and tenth Articles are not proper Charges, and to be disallowed, they amounting to *Eight Pounds*, ought to be deducted out of this Accompt; and that the remaining Articles, amounting to the Sum of *l. 13 7 s. 8 d.* be allowed and paid out of the Publick Treasury to the said *Samuel Partrigg*, Esq; and by him repaid to the several Persons named above, to whom the same is due in full Discharge thereof. Read & accepted, and *Resolved*, That the Sum of *Thirteen Pounds seven shillings & eight pence*, be allowed and paid out of the Publick Treasury, to Col. *Samuel Partrigg* to be by him repaid to the Persons to whom the same is due, agreeable to the above Report, in full Discharge thereof. Sent up for Concurrence.

On the Accompt of Meals, &c. of Col. *Partrigg*, as entred the 19th ult. The Committee having examined the several Accompts, or Bills as they are called, of *Samuel Partrigg*, *Thomas Hovey*, *John Smith*, *Benjamin Field*, *Edmund Grandy* and others, amounting in the whole to the Sum of *l. 32 11 s.* find them right Cast, and reasonable, are therefore of opinion, that the said Sum be allowed and paid out of the Publick Treasury to the Honourable Col. *Partrigg*, and by him repaid to the several Accomptants in full Discharge thereof, and that the further Sum of *l. 41 9 s. 3 d.* for Souldiers Wages and Subsistence at *Sunderland*, be allowed and paid out of the Publick Treasury to the said *Partrigg*, and by him repaid to the several Persons Interested in the annexed Accompt, to whom the same is respectively due in full discharge of the said Accompt. Read & accepted, and *Resolved*, That the Sum of *Seventy four Pounds & three pence*, be allowed and paid out of the Publick Treasury to the Honourable *Samuel Partrigg*, Esq; to be by him repaid to the Persons to whom it is due, as by said Accompt, agreeable to this Report.

Sent up for Concurrence.

On another Accompt, Certified by Col. *Partrigg*, being for subsisting sundry Souldiers, and Forrage for Horses in His Majesty's Service, The Committee having Examined the Accompts of *Mahumin Hindsdale*, *Jonathan Welds*, and others, for subsisting Souldiers and Horses in the Service at *Deerfield*, &c. find them right Cast, and are therefore of opinion, that there be allowed and paid out of the Publick Treasury amounting in the whole to *l. 12 13 s. 2 d.* unto *Jonathan Welds*, Esq; and by him repaid to the several Persons respectively to whom it is due in full discharge thereof. Read and Accepted, and *Resolved*, That the Sum of *Twelve*

Pounds thirteen shillings and two pence be allowed and paid out of the Publick Treasury to *Jonathan Welds* Esq; to be by him repaid to the several Persons to whom it is due, as by the within Accompt, in full discharge thereof.

Sent up for Concurrence.

On an Accompt of Meals for Souldiers under the Command of Capt. *Goodrich*, sign'd by Col. *Partrigg*, The Committee having examined this Accompt of subsistence for the *Connecticut* Forces under the Command of Capt. *Goodrich*, find the same right Cast and not Unreasonable, are therefore of Opinion, That the Sum of *l. 7 15 s. 6 d.* be allowed & paid out of the Publick Treasury, to Capt. *Jonathan Welds* to be by him repaid to the several persons that have subsisted the said Forces according as they stand entred in this Accompt respectively in full Discharge hereof. Read and Accepted and *Resolved*, That the Sum of *Seven Pounds fifteen shillings and six pence* be allowed and paid out of the Publick Treasury to Capt. *Jonathan Welds*, and by him repaid to the several Persons that have subsisted the said Forces, as by said Accompt, in full discharge thereof.

Sent up for Concurrence. [40]

On an Accompt of *John Darrel*, for taking up Two Deserters by Order, The Committee are of Opinion, That the Sum of *Forty shillings* be allowed and paid out of the Publick Treasury to the said *Darrel*, for Apprehending *Emanuel Hall* a Deserter, in full discharge of the Petition; the other Person therein Named not being returned a Deserter. Read and Accepted, and *Resolved*, That the Sum of *Forty shillings* be allowed and paid out of the Publick Treasury to the Petitioner *John Darrel*, in full satisfaction of said Petition. Sent up for Concurrence.

On the Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Francis Barker*, as Entred the 4th Currant, The Committee find it right Cast and well Vouch'd by the Oath of the said *Barker*, are therefore of Opinion, That the Sum of *l. 466 14 s. 4 d.* be allowed and paid out of the Publick Treasury to the Officers and Souldiers born on this Roll, in full discharge thereof. Read and Accepted, and *Resolved*, That the Sum of *Four hundred sixty six Pounds fourteen shillings and four pence* be allowed and paid out of the Publick Treasury to the said Capt. *Francis Barker*, the other Officers and Souldiers born on the within Roll, in full discharge of the Wages thereof. Sent up for Concurrence.

Then the House Adjourned till Monday next at Three a-Clock Afternoon.

VOTES

Of the House of Representatives.

Lunæ Die 9. Decembris, A. D. 1723.

IN AS MUCH as the Most desireable Privileges of this People seem to be severely threatned by Governour Shute in His Memorial to His Majesty, wherein there are many injurious Charges upon the House of Representatives, which tend so much to indanger, if not destroy Our best Interests, and this House having prepared an Answer thereto, which they humbly hope may serve to defeat his design, and shew their Loyalty to the best of KINGS; yet well knowing that this their defence could not be improved to their Advantage, unless a suitable Sum of Money were raised to Accompany the same, That so proper Persons might be ingaged in this Affair, Did sometime since send up a Vote to the Honourable Board for their Concurrence for such a Supply as they thought needful, but having had no return thereto, though sent up more than a Fortnight since, and several Messages sent to inquire thereafter, Do again now most earnestly desire the Honourable Board would pass thereon lest their delaying in a Matter of so great Importance should prove of fatal Consequence to this whole Province, and We all repent when too late. Sent up by John Wainwright, Henry Phillips and Isaac Little Esqrs;

Nathaniel Paine Esq; brought down the following Vote of Council, viz. In Council, December 9th. 1723. Ordered, That William Tailer and Paul Dudley Esqrs; with such as the Honourable House of Representatives shall appoint be a Committee to draw up a proper representation of the Conduct of Monsieur Veaudreuil Governour of Canada, respecting the Eastern Indians, to be sent to the Agent. Sent down for Concurrence. Read and Concurr'd with an Amendment, viz. Dele, to the Agent, and Add, laid before His Most Excellent Majesty, and Ordered, That John Stoddard, Jonathan Remington and Isaac Little Esqrs; be joyned with the Committee of the Board in the Affair.

Sent up for Concurrence.

A private Bill Entituled, An Act to Enable Isaac Little of Marshfield, in the County of Plymouth Esq; to bring forward a Writ of Review at the Superiour Court of Judicature to be holden at Plymouth on the last Tuesday of April next, against Joseph Mallinson of Boston in the County of Suffolk, Merchant, of a Judgment of the Superiour Court of Judicature holden at Plymouth, on the last Tuesday of April, 1720. Read a first Time.

The Vote of Council of the 7th Currant, which Accompanied the Journal of Mr. Alexander Hamilton. Read again, and Resolved, That the Sum of Twenty Pounds be allowed and paid out of the publick Treasury to Mr. Alexander Ham-

ilton, in consideration of his laying the aforesaid Journal before this Court, (which may prove of Service to the Province,) and his Attendance on the Court by Order of His Honour the Lieutenant Governour, to make a fair draft of the same.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a-Clock. [42]

Martis Die 10. Decembris, A. D. 1723.

A Message from His Honour by Mr. Secretary, *viz.*
Gentlemen of the Representatives,

A Motion having been made in the beginning of this Session for Erecting a Line of block Houses for defence of the Western Frontiers, and nothing finally done upon it, I desire you would now take the Matter into Consideration, it being in my Opinion the best Expedient for the Security of that Frontier that has been projected, and if the Charge of Building those Houses be any reason against it, I am informed it may be defrayed by private undertakers, provided the Court think fit to grant them a suitable Quantity of Wast Lands in that part of the Country, in consideration of their Undertaking.

Decemb. 10. 1723.

WM. DUMMER.

Read.

John Wheelwright, Esq; brought down a Petition of *Dr. Bartholomew Jackson* of *Marblehead*, shewing, That he was enabled by an Act of this Court, to file Reasons of Appeal, at the last Superiour Court of Judicature, held at *Salem* for the County of *Essex*, from a Judgment of an Inferiour Court obtained against him by *Nicholas Andrews* and *Mary* his Wife Administrators, &c. praying that an addition may be made to the said Act, to enable the Judges of the said Court to make up Judgment for Possession, and Order Execution to Issue out of the Clerks Office of the said Court returnable to the next Superiour Court of Judicature to be holden for the County of *Essex*, against the Ter-Tenant in Possession of the Premises to reinstate him therein. Pass'd in Council, *viz.* In Council, *Decemb. 10th 1723.* Read & Ordered, That the Justices of the Superiour Court of Judicature, be directed and impowered forthwith to enter up Judgment for the said *Bartholomew Jackson* for Possession of the within mentioned Messuage and Lands against the Ter-Tenants, and that Execution be awarded thereon, and that a Bill be brought in accordingly. Sent down for Concurrence. Read & Non-Concurr'd.

Col. Stoddard from the Committee appointed to consider of the Petition of sundry Souldiers on the late Expedition to *Canada*, as entred the 14th of *November* past, Reported, and thereupon the following Vote pass'd, *viz. Resolved*, That the Sum of *Forty shillings* be allowed and paid out of the Publick Treasury to each of the Officers and Souldiers in the Expedition against *Canada*, *Anno Domini 1711.* or their Legal Representatives, Masters or Parents, who have returned into the

Province Store their Arms or Firelocks in that Year, and that the other remaining Bounty given by her late Majesty, *viz.* Sword, Bayonett, Belt and Cartouch Box, be delivered to the said Officers, Souldiers, Masters or Parents or their legal Representatives. Sent up for Concurrence.

Col. *Dudley* from the Committee for Muster-Rolls, Reported, *viz.*

On the Muster-Roll of the Company at His Majesty's Fort *Mary*, under the Command of Capt. *Samuel Hincks*, The Committee find it right Cast and well Vouch'd, are therefore of Opinion, That the Sum of *l. 126 1 s. 1 d.* be allowed and paid out of the Publick Treasury unto the Officers and Souldiers born on this Roll in full discharge hereof, are also of Opinion, That Mr. *Samuel Jordan*, Entred Interpreter, be no further continued in pay as Interpreter during the present War, The publick having no Service for such an Officer. Read and Accepted, and Resolved, That the Sum of *One hundred twenty six Pounds one shilling and one penny*, be allowed and paid out of the publick Treasury to the Officers and Souldiers born on the within Muster-Roll in full discharge thereof, and that no further pay be allowed to Mr. *Samuel Jordan* Interpreter during the present *Indian* War, there being no Service for him as such, as long as the War continues.

Sent up for Concurrence.

On the Muster-Roll of the Company under the Command of Col. *Eleazer Tyng*, as enter'd the 4th current; The Committee have examined the above Muster-Roll of the Scouts at *Haverhill*, *Dracut* and *Dunstable*, sign'd *Eleazer Tyng*, find it right Cast and well Vouch'd, are therefore of Opinion that the Sum of *l. 114 2 s.* be allowed and paid out of the Publick Treasury unto the Officers and Souldiers born on this Roll, and that the further Sum of *l. 55 2 s. 1 d.* be paid out of the Publick Treasury to Col. *Eleazer Tyng*, and by him repaid to the Persons that have subsisted the Souldiers born on this Roll (excepting thereout what the Treasurer has already supply'd thereof) in full dis- [43] charge of this Muster-Roll, are further of Opinion, That Col. *Tyng* be allowed no further Wages for taking care of the Souldiers. Read and accepted and Resolved, That the Sum of *One Hundred and fourteen pounds & two shillings* be allowed and paid out of the Publick Treasury to the Officers and Souldiers born on the within Muster-Roll, in full discharge of the Wages thereof, and further, That the Sum of *Fifty five pounds two shillings & one penny* be allowed and paid out of the Publick Treasury to Col. *Eleazer Tyng*, to be by him repaid to the Persons who have subsisted the said Men in full discharge thereof, and that no further pay be allowed Col. *Tyng* as Wages for taking Care of the Souldiers. Sent up for Concurrence.

On the Muster-Roll of the Company of Troopers in His Majesty's Service under the Command of Capt. *Ebenezer Brookes* as entred the 5th Currant, The Committee have examined this Muster-Roll, find it right Cast and well Vouch'd, are therefore of Opinion, That the Sum of *l. 126 11 s. 9 d.* be allowed and paid out of the Publick Treasury unto the said Capt. *Ebenezer Brookes* and by him to be repaid to

the Troopers born on this Roll, as well as the Persons that have subsisted the said Men and their Horses. *And whereas Josiah Richardson returned Servant to James Hovey of Cambridge, was taken sick in the Service, during the time of his sickness his Master has paid the Sum of l. 5 and 25 s. due to the Doctor.* The Committee are therefore further of opinion, That the Sum of l. 6 5 s. be paid out of the Publick Treasury in full discharge of his Servants Expences, &c. Read and accepted and *Resolved*, That the Sum of *One hundred twenty six pounds eleven shillings & nine pence* be allowed and paid out of the Publick Treasury to the said Capt. *Ebenezer Brookes* to be by him repaid to the Troopers born on this Roll, and the Persons that subsisted the said Troop, in full discharge of the Wages and Subsistence thereof, and that the further Sum of *Six pounds five shillings* be allowed and paid out of the Publick Treasury to the aforesaid *James Hovey*, in full discharge of what has arisen on Accompt of his said Servant's sickness.

Sent up for Concurrence.

On the Muster-Roll of Capt. *John March*, The Committee having examined this Muster-Roll find it right Cast and well Vouch'd, are therefore of Opinion, That the Sum of l. 131 17 s. 8 d. be allowed and paid out of the Publick Treasury unto the said Capt. *John March*, and by him repaid unto the Officers and Souldiers born on this Roll, and to the several Persons that have Subsisted the Troopers & their Horses, in full discharge of this Muster-Roll. Read and Accepted, and *Resolved*, That the Sum of *One hundred thirty one Pounds seventeen shillings and eight pence* be allowed and paid out of the publick Treasury unto the said Capt. *John March*, to be by him repaid to the Troopers born on this Roll, and the Persons that have Subsisted them, and furnished their Horses with Forrage, in full discharge of this Roll. Sent up for Concurrence.

On the Muster-Roll of Capt. *Nathaniel Bowman*, as Entred the 5th Currant, The Committee have examined this Muster-Roll, find it right Cast and well Vouch'd, are therefore of Opinion, That the Sum of l. 185 12 s. 5 d. be paid out of the publick Treasury to the said Capt. *Bowman*, and by him to be repaid unto the Officers and Souldiers born on this Roll, and the persons that have Subsisted the Troopers and their Horses in full discharge thereof. Read and Accepted, and *Resolved*, That the Sum of *One hundred eighty five Pounds twelve shillings and five pence*, be allowed and paid out of the publick Treasury to the said Capt. *Bowman*, to be by him repaid to the Troopers born on the Roll, and the persons who have Subsisted them and their Horses in full discharge of said Roll.

Sent up for Concurrence.

On a Petition of *Jonathan Hubbard*, praying he may be allowed *Eight Pounds four shillings*, for Entertaining *Samuel Barnard*, a Trooper, belonging to Capt. *Bowman's* Company, who was taken Sick at his House at *Groton*, while in the Service, The Committee are of Opinion, That there be allowed and paid out of the publick Treasury unto the Petitioner *Jonathan Hubbard* the Sum of l. 7 11 s. which

with the Subsistence due on the Muster-Roll unto *Samuel Barnard* the Sick person Subsisted, makes up the Sum of *l. 8 4 s.* in full of said Petition. Read and Accepted, and *Resolved*, That the Sum of *Seven pounds eleven shillings* be allowed and paid out of the publick Treasury to the Petitioner *Jonathan Hubbard*, in satisfaction of said Petition, agreeable to the said Report.

Sent up for Concurrence. [44]

Post Meridiem.

A Bill Entituled, *An Act to enable Isaac Little of Marshfield Esq;* to bring forward a *Writ of Review at the next Superiour Court of Judicature to be holden in and for the County of Plymouth, on the last Tuesday of April next, against Joseph Mallinson of Boston in the County of Suffolk, Merchant, of a Judgment of the Superiour Court holden at Plymouth on the last Tuesday of April, 1720.* Read a second Time, and a Memorial of the said Mr. *Mallinson* against the Bill, Read also.

Major *Quincy* from the Committee to whom was referred the Bill Entituled, *An Act for rendring Indians, Negroes & Molattoes residing in and belonging to the Town of Boston to good Order*, Reported, That they had taken the same under Consideration, and were of Opinion sundry Amendments ought to be made on said Bill, which he Read in his Place, as Amended, and then laid it on the Table.

Nathaniel Payne Esq, brought down the Vote of the House of the 26th of *November*, for allowing *Joseph Presbury* a Souldier, late under the Command of Capt. *Daniel Pecker*, to receive part of his Wages, pass'd in Council, viz. In Council, *December 10th. 1723.* Read & Concurr'd. *And that the Treasurer be directed upon the said Presbury's returning the other Gun, to pay to him the remainder of his Wages.*

Sent down for Concurrence. Read and Concurr'd.

A Petition of Col. *Robert Gardner of London, Esq;* setting forth, That at an Inferiour Court of Common Pleas held at *Boston, October 1718.* he brought an Action of Trespass and Ejectment against *Job Coite*, and others of *Boston*, for recovery of a certain Messuage, &c. in *Boston*, and praying he may be enabled by a Private Act to bring forward a *Writ of Review at the next Superiour Court of Judicature to be holden at Boston for the County of Suffolk*, for recovery of the Premises, for the reasons therein mentioned; pass'd in Council, viz. In Council, *December 10th 1723.* Read and Ordered, That the Petitioner serve the adverse party with a Copy of this Petition, that so he may give in his Reasons (if any he have) upon Tuesday the 17th Instant why the prayer thereof should not be granted. Sent down for Concurrence. Read and referred to the first Tuesday of the next *May* Session for further Consideration.

A Petition of *Sion Arnold of New-port* in the Colony of *Rhode-Island* and *Mary* his Wife, Daughter of *Thomas Ward* late of *New-port* aforesaid, Merchant, deceased, setting forth that they hold sundry Parcels of Lands in *Little Compton* in

Tail, by vertue of the last Will and Testament of the said *Thomas Ward*, and praying they may be allowed to make Sale of the same for the Reasons therein mentioned.

Read and Committed to the Committee for Petitions.

Mr. *Lewis* from the Committee appointed the 20th of *June* last to take under Consideration the Accompts of the Commissioners, for letting out the *l* 100,000 Loan. Reported, That they had several of the said Commissioners Accompts committed to them and Examined the same, and do make Report thereon severally, as follows, *viz.*

On Two Accompts of the Commissioners for the County of *Suffolk*, beginning the 13th of *February*, 1718,19 and ending the 13th of *February*, 1720,21. committed to them, whereby it appears, the said Commissioners have charged themselves with *l* 78 10 *s.* outstanding Interest in their last Accompt presented to and allowed by this Court at their Session held the 2d of *November*, 1720. and that they have received of sundry persons for Interest of the said Loan *l* 2728 12 *s.* 7 *d.* and have paid into the Treasury *l* 2624 9 *d.* thereof, and Accompt for the remaining *l* 104 11 *s.* 10 *d.* as follows, *viz.* *l* 78 16 *s.* their due by Law *l* 10 for Book-keeping, *l* 15 15 *s.* 10 *d.* paid Charges of Law Suits; and the Sum of *l* 180 11 *s.* 3 *d.* outstanding Interest Money; the two last Articles the Committee are humbly of Opinion, the Commissioners are still Accomptable for, the Sum of *l* 836 9 *s.* 6 *d.* of the Principal being then in their hands and not Let out. Read & accepted, and *Resolved*, That the said Accompts be allowed, and that the said Commissioners be discharged accordingly. Sent up for Concurrence. [45]

The Commissioners for the County of *Essex*, not having complied with the Order of Court for the payment of the *l* 62 10 *s.* so much not allowed of their Charges in their former Accompt presented to this Court at their Session, *November* 2 d. 1720. as we are informed by Mr. Treasurer, The Committee have not Entred into the Consideration of their Accompt now presented ending *February* 13th 1723. Read and Accepted.

On the Accompt of the Commissioners for the County of *Middlesex*, The Committee find they have paid Mr. Treasurer the *Twenty Pounds* not allowed in their last Accompt ending the 13th of *February* 1719, 20. which they presented to this Court at their Session the 2 d of *November* 1720. And having Three more of their Accompts committed to them beginning *February* 13th. 1719, 20. and ending *February* 13th 1723. by which it appears they have received of sundry persons for Interest of the said Loan the said Three Years *l* 2452 8 *s.* 10 *d.* and have paid into the Treasury *l* 2232 13 *s.* 8 *d.* thereof, and Accompt for the remaining *l* 219. 15 *s.* 2 *d.* as follows, *viz.* *l* 77 3 *s.* 4 *d.* their due by Law *l* 25. for Book-keeping *l* 6 5 *s.* extraordinary Attendance *l* 111 6 *s.* 10 *d.* paid Charges of Law-Suits, and the Sum of *l* 731 2 *s.* 11 *d.* outstanding Interest Money. The Two last Articles the Committee are humbly of Opinion, the Commissioners are still Ac-

countable for. The Sum of *l.* 290 of the Principal being in their hands and not let out.

Read and Accepted, and *Resolved*, That the said Commissioners be and hereby are discharged from the said Sum of *l.* 2452 8 *s.* 10 *d.* excepting the Two Articles, *viz.* 111 6 *s.* 10 *d.* and *l.* 731 2 *s.* 11 *d.*, making in the whole the Sum of *l.* 842 9 *s.* 9 *d.* Sent up for Concurrence.

On the Accompt of the Commissioners for the County of *Hampshire*, The Committee find they have paid Mr. Treasurer the *l.* 15 not allowed in their last Accompts ending *Feb.* 13th 1718,19, which they presented to this Court at their Session *Nov.* 2d 1720, and having Four more of their Accompts beginning the 13th of *February*, 1718,19, and ending the 13th of *February* 1722,23, committed to them, by which it appears, they have received of sundry Persons for Interest of the said Loan, the said Four Years, *l.* 937 00 *s.* 4 *d.* and have paid into the Treasury *l.* 388 9 *s.* 8 *d.* thereof, and Accompt for the remaining *l.* 548 10 *s.* 8 *d.* as follows, *viz.* *l.* 17 17 *s.* 2 *d.* their due by Law, *l.* 13 5 *s.* paid Charges of Law-Suits, and *l.* 16 for Book-keeping; the several Sums of 46 *s.* 11 *s.* and *l.* 4 00 *s.* 6 *d.* the Committee are of opinion ought not to be allowed: Therefore the said Commissioners have still remaining in their hands of Interest Money the Sum of *l.* 501 8 *s.* 6 *d.* to Ballance said four Accompts, for which the Committee are humbly of opinion the said Commissioners are Accomptable, there being also the Sum of *l.* 63 10 *s.* of the Principal in their hands not Let out. And the Committee are further humbly of opinion, that the said Commissioners are Accomptable for the Sum of *l.* 230 Principal, *l.* 27 10 *s.* 9 *d.* Interest thereon, and *l.* 13 5 *s.* Charges of Law-Suits, for which they have recovered Judgment, as by the said Accompts appear, making in the whole the Sum of *l.* 270 15 *s.* 9 *d.* Read & accepted and *Resolved*, That the said Commissioners forthwith pay into the Treasury the said Sum of *Five hundred and one pounds, eight shillings and six pence*; and that thereupon they be discharged from the Sum of *l.* 937 00 *s.* 4 *d.* so much they received for Interest of said Loan; and further that they are Accomptable for the Sum of *l.* 230 Principal, *l.* 27 10 *s.* 9 *d.* Interest thereon, and *l.* 13 5 *s.* Charges of Law Suits, for which they have recovered Judgment; there being also *l.* 63 10 *s.* of the Principal in their hands, and not Let out. Sent up for Concurrence.

On the Accompt of the Commissioners for the County of *Plymouth*, beginning *February* 13th 1719,20, and ending *February* 13th 1720,21, Committed to them, by which it Appears, the said Commissioners have received of sundry Persons for Interest of said Loan said Year, *l.* 364 19 *s.* 6 *d.* including *l.* 16 3 *s.* 9 *d.* so much they received for Charges of Law Suits, part of a greater Sum they charged in the Debit of their last Accompt, and have paid into the Treasury *l.* 325 3 *s.* 10 *d.* thereof, and Accompt for the remaining *l.* 39 15 *s.* 8 *d.* as follows, *viz.* *l.* 15 18 *s.* [46] their due by Law, *l.* 6 for Book-keeping, *l.* 3 Travelling Expences for taking Possession of the Land, Paper 1 *s.* 8 *d.* and *l.* 14 16 *s.* paid Charges of Law Suits, and the Sum of *l.* 92 16 *s.* outstanding Interest Money; the two last Articles with

the *l. 3* charged for Travelling Expences, the Committee are humbly of opinion the Commissioners are still Accomptable for. Read & accepted, and *Resolved*, That the said Accompt in the several Articles thereof, be and hereby is accepted; and that the said Commissioners the Accomptants, are discharged from the said Sum of *l. 364 19 s. 6 d.* received for Interest of said Loan, excepting the Articles of *l. 14 16 s.* and *l. 3* Charges of Law Suits, together with the Sum of *l. 92 16 s.* outstanding Interest Money, which they are still to be Accomptable for.

Sent up for Concurrence.

On the Accompt of the Commissioners for the County of *Barnstable*, The Committee find they have paid Mr. Treasurer the *l. 10 15 s.* not allowed in their last Accompt ending *February 13th 1719,20*, which they presented to this Court at their Session held the 2d of *November, 1720*, and having one Accompt more, beginning *February 13th 1719,20*, and ending *February 13th 1720,21*, committed to them, by which it appears, they have received of sundry Persons for Interest of said Loan said Year, *l. 364 13 s. 7 d.* and have paid into the Treasury *l. 350 1 s. 2 d.* thereof, and Accompt for the remaining *l. 14 12 s. 5 d.* as follows, *viz. l. 8. 12 s 5d.* their due by Law, and *l. 6* for Book-keeping; and the Sum of *l. 1 5 s.* outstanding Interest Money, which Interest Money the Committee are of opinion the said Commissioners are still Accomptable for; also the Sum of *l. 93 8 s. 9 d.* of the Principal Money then in their hands, and not Let out. Read & accepted, and *Resolved*, That the said Commissioners the Accomptants be and hereby are discharged from the said Sum of *Three hundred sixty four pounds thirteen shillings & seven pence*, excepting only the Article of *One pound five shillings* outstanding Interest Money, which they are still Accomptable for; the Sum of *Ninety three pounds eight shillings & nine pence* being then in their hands of the Principal Money, and not Let out.

Sent up for Concurrence.

On the Accompt of the Commissioners for the County of *York*, The Committee find they have Charged themselves in this Accompt, with the *l. 7 10 s.* not allowed in their last Accompt ending *February 13th, 1719,20*, presented to this Court at their Session *Novemb. 2d 1720*; and having one Accompt more, beginning *February 13th 1719,20*, and ending *February 13th 1720,21*, committed to them, by which it appears they have received of sundry Persons for Interest *l. 42 16 s.* and have paid into the Treasury *l. 36 6 s. 10 d.* thereof; and Accompt for the remaining *l. 6 9 s. 2 d.* as follows, *viz. l. 2 9 s. 2 d.* their due by Law, *l. 4* for Book-keeping; and the Sum of *l. 10. 5 s.* outstanding Interest Money, which the Committee are of opinion the said Commissioners are still Accomptable for; also the Sum of *l. 137* of the Principal Money then in their hands and not Let out. Read & accepted, and *Resolved*, That the said Commissioners the Accomptants, be and hereby are discharged from the said Sum of *Forty two pounds, sixteen shillings*: The Article of *Ten pounds, five shillings* outstanding Interest Money, they

are still to be Accomtable for. The Sum of *One hundred thirty seven pounds* of the Principal Money being then in their hands and not Let out.

Sent up for Concurrence.

A Message from the Board by *Samuel Browne* and *Thomas Fitch*, Esqrs; viz. The Board taking into consideration, the Message of the Honourable House of Yesterday, relating to their Vote of the 23d of *November*, for the furnishing Mr. Speaker with a Sum of Money; are of opinion, That His Excellency our Governour might have been treated therein in more respectful Terms; and the Board judge it a sufficient Reason for their delaying to pass upon the said Vote, That the Affair of a joynt Agency, and the Instructions for an Agent or Agents have been during that Time under Consideration of the whole Court; and the Board have been and still are of opinion, That an Agency for the whole Government well managed, would be most likely to secure [47] our CHARTER Privileges; and since the Court have agreed to appoint an Agent to go from hence, to be joyned with Mr. Agent *Dummer*, and have prepared Instructions accordingly, they think it most proper to proceed first to the Choice of the Person, and that the Court Vote a supply as well to satisfy the said Mr. Agent *Dummer* for his past Services, and to discharge his Accompts of what has been by him advanced; as to enable the said Agents to transact the Affairs of the Province, in defence of our CHARTER Privileges: and when these Matters are concluded, the Board will be ready to do what is proper on the Vote of the 23d of *November*, before refer'd to.

In Council, *Decemb. 10th 1723.*

J. Willard, Secr.

Then the House Adjourned till to Morrow Morning Ten a-Clock.

Mercurij Die 11. Decembris, A. D. 1723.

I *Saac Winslow*, Esq; brought down a Bill Entituled, *An Act in addition to the Act for holding Special Courts of Assize, and General Goal delivery.* Read in Council three several Times, and pass'd to be Engross'd.

Sent down for Concurrence.

Read a first Time.

Penn Townsend and *John Appleton*, Esqrs; brought down the Vote of the House of the 23 d of *November* for supplying Mr. Speaker with *l. 300* Sterling. Pass'd in Council viz. In Council, *December 11th. 1723.* Read and Concurr'd so far as that Mr. Treasurer be directed to purchase Three Hundred Pounds Sterling in good Bills of Exchange, One Hundred Pounds thereof to be put into Mr. Speakers hands, to be Employed as the House of Representatives shall direct for the Service of the Province, the remaining Two Hundred Pounds to be supplied the Agent or Agents who are or shall be Employed & Intrusted by this Court in defence of our CHARTER Privileges. Sent down for Concurrence.

Read and Concurr'd.

Resolved, That this House at three a Clock afternoon will proceed to the Choice of a Person to be joyned with Mr. Agent *Dummer* in the Agency for the Province.

John Appleton and *Edmund Quincy Esqrs*; brought down the following Question, pass'd in Council, *viz.* In Council, *December 10th, 1723.* Upon a Question mov'd upon a Law of this Province Made in the Fourth Year of the Reign of King *WILLIAM* and Queen *MARY*, Entituled, *An Act for the Settlement and Distribution of the Estates of Intestates.*

“*Whether such Estates as are or may be entailed by an Entail General, viz. To the Heirs of the Body lawfully begotten; are by vertue of the said Law subject to the same Division of Distribution as Estates in Fee-Simple Intestate, and ought accordingly to descend, and be divided and distributed to and among all the Children of the Tenant in Tail; saving to the Eldest Son a double Portion?*”

Resolved in the Negative. Sent down for Concurrence.

Col. *Dudley* from the Committee for Muster-Rolls, reported, *viz.*

On the Muster-Roll of the Company of Troopers under the Command of Capt. *John Flynt* as entred the 7th. Curreant, The Committee having examined this Muster-Roll, find it right Cast and well Vouch'd, are therefore of Opinion that the Sum of *l. 157 11 s. 10 d.* be allowed and paid out of the Publick Treasury unto the said Capt. *John Flynt*, and by him repaid to the Officers and Souldiers born on this Roll, and the persons that have subsisted them and their Horses, in full discharge of this Muster Roll. Read and Accepted, and *Resolved*, That the Sum of *One hundred Fifty seven pounds, eleven shillings and ten pence*, be allowed and paid out of the Publick Treasury to the said Capt. *John Flynt*, to be by him paid to the Officers and Souldiers born on the same, and the persons who have subsisted the Men and Horses, in full discharge thereof.

Sent up for Concurrence. [48]

On the Muster-Roll of the Company under the Command of Capt. *Adijah Dewey*, as entred the 3 d Curreant, The Committee having Examined this Muster-Roll, find it right Cast, and according to Establishment, are therefore of Opinion that the Sum of *l. 328 10 s. 3 d.* be allowed and paid out of the Publick Treasury to the said Capt. *Adijah Dewey*, to be by him repaid to the several Troopers, and the persons that have subsisted them and their Horses. Read and accepted, and *Resolved*, That the Sum of *Three hundred twenty eight pounds, ten shillings and three pence* be allowed and paid out of the Publick Treasury to the said Capt. *Adijah Dewey*, to be by him repaid to the several Troopers born on the Roll, and the persons that have subsisted the Men and their Horses, in full discharge of this Roll. Sent up for Concurrence.

On the Accompt of Dr. *Benjamin Hill*, The Committee are of Opinion, That the Sum of *l. 7 10 s.* be deducted out of this Accompt, the said *Hill* being absent Six Weeks of the Time charged herein, and that the remainder, *viz. l. 20 2 d* be allowed and paid out of the Publick Treasury unto the said *Benjamin Hill* in full

discharge of said Accompt. Read and Accepted, and *Resolved*, That the Sum of *Twenty pounds* and *Two pence* be allowed and paid out of the Publick Treasury to the Accomptant Dr. *Benjamin Hill*, in full discharge of this Accompt.

Sent up for Concurrence.

On the Muster-Roll of the Company under the Command of Capt. *Henry Dwight*, as entred the 3 d Currant, The Committee have examined this Muster-Roll, find it right Cast, and according to Custom, are therefore of Opinion that the Sum of *l. 298 9 s. 8 d.* be allowed and paid out of the Publick Treasury to the said Capt. *Henry Dwight*, to be by him repaid to the Officers and Troopers born on this Roll, and the persons that have subsisted them and their Horses, in full discharge thereof. Read and Accepted, and *Resolved*, That the Sum of *Two hundred ninety eight pounds nine shillings and eight pence* be allowed and paid out of the publick Treasury to the said Capt *Henry Dwight*, to be by him repaid to the Officers and Troopers born on the within Roll, and the persons who have subsisted them and their Horses, in full discharge of the Wages and Subsistence of this Roll.

Sent up for Concurrence.

A Message from the Board by *Thomas Fitch* and *Edmund Quincy* Esqrs; That the Board are ready to proceed to the Choice of a person to be joyned with Mr Agent *Dummer* in the Agency for the Province, the Person to be Chosen as has been usual; and the Board propose the Choice to be in the Manner Mr. *Dummer* was chosen.

Post Meridiem.

Voted, That this House will proceed to the Choice of a person to be joyned with Mr. Agent *Dummer* by themselves, and when the person is Chosen to send up the Vote for Concurrence.

Voted, That a Message be sent up to the Honourable Board to acquaint them of the aforesaid Vote. Sent up by Capt. *Osgood* and Maj. *Quincy*.

Then the House proceeded to bring in their Written Votes for a person to be joyned with Mr. Agent *Dummer* in the Agency for the Province.

Ordered, That *Jonathan Remington*, *John Stoddard* and *John Wainwright* Esqrs; be appointed to sort the Votes for the Choice of a person to be joyned with Mr. Agent *Dummer* in the Agency of the Province.

Who reported, That *Elisha Cooke* Esq; was Chosen by a major part of the Votes.

And the following Vote was sent up to the Honourable Board, *viz.*

Voted, That *Elisha Cooke* Esq; be and hereby is Chosen and Elected to the Agency for this Province to be joyned with Mr. Agent *Dummer* now at *London*, Who together are fully impowred to Appear at the Court of *Great Britain* in behalf of this Province, to observe such Directions & Instructions as this Court shall give them, for the Defence and Prolongation of the CHARTER Privileges and the

Liberties of His Majesty's Subjects of this Province. Sent up for Concurrence by Col. *Dudley*, Mr. *Remington* and Mr. *Edward White*. [49]

A Resolve for Supply of the Treasury. Read.

John Appleton and *Benjamin Lynde*, Esqrs; brought down a Memorial of the Commissioners of the *l.* 100,000 Loan, for the County of *Essex*, praying, That the Vacancies in the said Commission, occasioned by the disability of Maj. *Price*, and the Death of *Daniel Rogers* and *Henry Somersby*, Esqrs; may be supplied, or that the Memorialists may be discharged from their said Trust for the Reasons therein mentioned. Pass'd in Council, *viz.* Read and sent down. Read.

Edward Bromfield & Jonathan Belcher, Esqrs; brought down the following Vote of Council, *viz.* In Council, *Decemb.* 11th. 1723. Voted, That a Message be sent to the Honourable House, that the Board have considered their Message, respecting the manner of choosing an Agent; and are still of opinion that the most convenient and proper Way is, that he be chosen by the joynt Votes of both Houses as the Officers of the Government usually are, and as the *Agent* was last chosen, and the Board desire the House would accordingly joyn with them in the said Choice. *J. Willard* Secr.

Then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Jovis Die 12. Decembris, A. D. 1723.

A Petition of *William Woodward* late a Souldier in the Service of this Province, praying he may be allowed the Sum of *Eight Pounds*, so much he has been obliged to pay for Doctors attending him in a Fit of Sickness while in the Service of the Province. Read & Committed to the Committee for Petitions.

Two Petitions from sundry of the Inhabitants of the Town of *Sherburn*, praying, That a Precinct may be set off in the Westwardly part of said Town, for the Reasons therein mentioned. Read & referred to the next Session for further Consideration.

Post Meridiem.

Samuel Thaxter, Esq; brought down a Message from the Board in Writing, *viz.* In Council, *Decemb* 12th 1723. Ordered, That a Message be sent to the Honourable House of Representatives, to desire that they would pass upon the Accompts of the Commissioners for the last Treaty with the *Five Nations* at *Albany*; and consider of some proper Allowance to be made them for their Service in that Affair.

In the House of Representatives, *December* 12th, 1723.

Pursuant to the Direction in the Royal CHARTER, in that Clause or Paragraph impowring the General Court to impose and Levy proportionable & reasonable Assessments, Rates & Taxes;

Resolved, That the Treasurer be and hereby is directed to Issue forth and Emitt the Sum of *Twenty Thousand Pounds* in Bills of Credit on this Province, for the necessary Defence and Support of this Government, and the Protection and Preservation of the Inhabitants thereof, to be Issued out and disposed of by Warrant under the Hand of the Lieut. Governour or Commander in Chief for the Time being, with the Advice and Consent of the Council, *Nineteen Thousand five Hundred Pounds*, whereof shall be applyed for the Uses, Intents and Purposes in this Act hereafter expressed, *viz.* For the Payment of all Grants, Premiums and Stipends established by Law, for the defraying and paying the Charges of Castle *William* and other Forts, and Garrisons, Transports, Muster-Rolls of Souldiers and Sailors, Allowances, and all other Accompts of Charges allowed and passed on for Payment by this Court; and that the Sum of *Five Hundred Pounds* being the residue and remaining part of the said Sum of *Twenty Thousand Pounds*, shall be applyed for the Payment of Expresses dispatched in the Service of this Government in the Recess of this Court, together [50] with all necessary unforeseen Charges that demand prompt Payment, which shall arise in the Recess of the Court as aforesaid. *Provided always*, That the several drafts made upon the Treasurer aforesaid, express and declare out of which of the two several Sums above mentioned the Money is to be paid; and the said Bills shall pass out of the Treasury, at the Value therein expressed, Equivalent to Money, and shall be so taken and accepted in all Publick Payments.

And That the Duties of Impost and Excise shall be a Fund and Security for the repayment and drawing in the said Bills into the Treasury again, so far as that will reach. And as a further Fund and Security for the same, it is further *Resolved*, That there be and hereby is granted unto His Most Excellent MAJESTY, for the Ends & Uses aforesaid, and for no other Ends and Uses whatsoever, a Tax of *Six Thousand Pounds*, to be levyed upon Polls and Estates, both Real & Personal within this Province, according to such Rules and in such Proportion upon the several Towns and Districts within the same, as shall be agreed on and Ordered by the Great and General Court or Assembly of this Province, at their Session in *May* One Thousand seven Hundred and Twenty seven, and paid into the Publick Treasury, on or before the last Day of *December* next after.

And That the further Sum of *Fourteen Thousand Pounds*, being the remainder of the aforesaid *Twenty Thousand Pounds*, be levyed upon Polls and Estates both Real and Personal, within this Province, according to such Rules and in such Proportion, upon the several Towns and Districts within the same as shall be agreed on and Ordered by the Great and General Court or Assembly of this Province, at their Session in *May* One Thousand seven Hundred and Twenty Eight, and paid into the Publick Treasury, on or before the last Day of *December* next after.

Sent up for Concurrence by Mr. *Tay*, Capt. *Osgood*, Mr. *Remington*, Mr. *Shove*, and Mr. *White*.

A Message from the Board by *Penn Townsend* and *John Appleton*, Esqrs; to inform the House, That the Board had Non-Concurr'd the Vote for appointing a Person to join Mr. *Dummer* in the Agency for the Province, and desire the House would join with the Board in the Choice of such a Person, in the same Way and Method as Civil Officers are Chosen to prevent any occasion of a Non-Concurrence by the Board.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *John Penhallow*.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *John Winchester*.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *John Fowles*.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Jonathan Richardson*. And

A Muster-Roll of the Sloop *Merry Meeting*, *Thomas Saunders* Master, being a Transport in His Majesty's Service Eastward.

All Read and Committed to the Committee for Muster-Rolls.

Upon the Message of the Honourable Board this Afternoon, respecting the Method of Choosing a Person to the Agency of the Province, and after a Debate being had thereon, The Question was put, *Whether the House would reconsider their Vote passed Yesterday Afternoon, touching the Method of Proceeding in the Choice of the Person to be joyned with Mr. Dummer in the Agency?*

It pass'd in the Negative. Sent up by Capt. *Rolfe*.

Then the House Adjourned till to Morrow Morning Ten a-Clock. [51]

Veneris Die 13. Decembris, A. D. 1723.

A Bill Entituled, *An Act in further Addition to An Act Entituled, An Act more effectually Providing for the Support of Ministers*. Made in the First Year of Her late Majesty Queen *A N N E*. Read a first time.

A Petition of *Henry Lee* and *Moses Leonard* in behalf of the Town of *Worcester*, praying, That the two Ministerial Lotts, lying in the South and North halves of said Town, in the several divisions thereunto belonging, may be settled on the two first Ministers that shall be Ordained severally in the said South and North parts of said Town, to them and their Heirs in Fee, for the reasons therein mentioned.

Read & Dismiss'd.

A Bill Entituled, *An Act in Addition to An Act Entituled, An Act for holding special Courts of Assize and General Goal Delivery*. Read a second time.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Samuel Wright*.

A Muster-Roll of the Company in His Majesty's Service under the Command

of Lieut. *Joseph Kellog*. Read & Committed to the Committee for Muster-Rolls; with sundry other Accompts of Charge from Col. *Partrigg*.

Edward Bromfield and *Nathaniel Payne*, Esqrs; brought down a Petition of several of the Children & Grand Children of *Nathaniel Saltonstall* late of *Haverhill*, Esq; deceased, with the Concurrence of the Honourable *Gurdon Saltonstall*, Esq; praying, That this Court would by An Act cut off the Entail on the Lands of the said *Nathaniel Saltonstall*, Esq; by him made in and by his last Will and Testament; Pass'd in Council, viz. In Council, *December 12th, 1723*. Read and Ordered, That the prayer of this Petition be so far granted, as that the Petitioners have leave to bring in a Bill for taking off the Entail within mentioned.

Sent down for Concurrence. Read & Concurr'd.

A Petition of *Thomas Fayerweather* as entred the 9th of *August*, and referred to this Session. Read & refer'd to the next Session for further Consideration.

A Petition of Capt. *Samuel Hincks*, praying he may be further allowed the Sum of *Thirty Pounds* for his Extraordinary Trouble and Service in digging a Well under Cover of Fort *Mary* at *Winter-Harbour*. Read And the Question was put, *Whether the prayer of the Petition shall be granted?*

It pass'd in the Negative.

A Bill Entituled, *An Act to enable Samuel Sprague, Benjamin Hammond and John Briggs, in behalf of the Town of Rochester, to dispose of a share of Land, consisting of a Three & thirtieth part of the said Township, which was separated to the Use of the Ministry, they laying out the produce thereof, in purchasing other Lands in the Town of Rochester, for the Use of the Ministry there.*

Read a first time.

The Vote of Council upon the Question put respecting Estates Entailed by an Entail General, brought down the 11th Currant. Read, and *Resolved*, That the Resolution of this Question will not be of any Service to the Province.

Post Meridiem.

Ordered, That a Message be sent up to the Honourable Board to desire that what they have pass'd on the Vote of the House of the 11th Instant, appointing *Elisha Cooke*, Esq; to be joined with *Jeremiah Dummer*, Esq; in the Agency of the Province, may be sent down in Writing. Sent up by Mr. *Choate*.

A Petition of *Thomas Buckminster* of *Framingham*, praying, That an Estople of *l. 8 11 s. 6 d.* so much laid on his Wages, in the Year 1721. may be taken off for the Reasons therein mentioned. Read & Committed to the Committee for Muster-Rolls. [52]

An Accompt of Dr. *Samuel Moodey* Chyrurgeon to the Forces Eastward, amounting to *l. 15 14 s. 3 d.* at *Twenty five shillings per Week*, in Full to the 5th Instant. Read, and *Resolved*, That the Sum of *Fifteen pounds fourteen shillings & three*

pence be allowed and paid out of the Publick Treasury, to the Accomptant Dr. *Samuel Moody* in full Discharge of said Accompt. Sent up for Concurrence.

Jonathan Belcher, Esq; brought down the Vote of Council on the Vote of the House for joyning Mr. *Cooke* with Mr. *Dummer*, in the Agency for the Province, in these Words, *viz.* In Council, *December 12th 1723.* Read & Non-Concurr'd.

J. Willard, Secr.

An Accompt of *David Melvil* Prison-Keeper for keeping and subsisting sundry *Indian* Prisoners, from the 11th of *August* to this Time, amounting to *l. 68 9 s.*

Read & Committed to the Committee for Petitions.

Voted, That Mr. *Choate* be added to the Committee for Muster-Rolls.

Voted, That this House will proceed to the Choice of a Person to be joyned with Mr. *Dummer*, in the Agency for the Province to Morrow Morning.

Ordered, That *Elisha Cooke*, *William Dudley*, *John Stoddard*, and *Jonathan Remington*, Esqrs; with such as the Honourable Board shall appoint, be a Committee to take under Consideration the Memorial of Mr. *Richard Partridge*, &c to the KING, in behalf of sundry Persons called *Quakers*, and make Report of what they are of Opinion, may be proper for the Court to do thereon.

Sent up for Concurrence.

A Message from His Honour by Mr. Secretary, *viz.*

Gentlemen of the House of Representatives,

I have received many Petitions from the Souldiers in the Service Eastward; and some from whole Companys, desiring their Dismission in consideration of their long Service; most of them having been out Two Years and upwards; and as I think it very discouraging and unequal to detain them any longer; so it will be a great detriment to the Service, to have great Numbers of Experienced Souldiers dismiss'd, and new undisciplin'd Men sent out in their Room. I therefore recommend it to your Consideration that for the Service & Benefit of the Province, a Bounty be allowed to every Souldier who has been out above Two Years, that shall inlist for such further Time as shall be thought proper, provided he be an able Effective Man.

WM. DUMMER.

A Petition of *John Moulton* and *John Roberts*, shewing, That in the Year 1722, they had the misfortune to be Captivated by the *Indians*, That Capt. *James Blin* & Mr. *Timothy Orne* arriving in the Eastern Parts where they were, informed them, that they had brought *Twelve Pounds* Value from the Petitioners Friends, for their Ransom; and further, that they the said *Blin* and *Orne* compelled the Petitioners to Sign a Bond of *Sixty Pounds*, to be paid them on their Arrival in *New-England*, which they said was for ransoming a Schooner from which they were Captivated, tho' the Petitioners were no part Owners of said Vessel, otherwise they would leave them in the hands of the Merciless Salvages; and praying, That they may be discharged from the said Bond, for the reasons therein mentioned. Read, and *Ordered*, That the Petitioners serve Capt. *James Blin*, and Mr.

Timothy Orne, or their Attorney or Attorneys, with a Copy of this Petition, that they Appear before this House on Wednesday the 18th of *December* Instant, in the Morning, to make Answer to the Facts and Complaints alledged against them in the Petition.

Then the House Adjourned till to Morrow Morning Nine a-Clock. [53]

Sabbati Die 14. Decembris, A. D. 1723.

A Bill Entituled, *An Act for reducing Indians, Negroes and Molattoes residing in and belonging to the Town of Boston to good Order*, as entred the 10th Currant. Read a second Time.

A Memorial of *Joshua Underwood* of *Sherbourn*, praying he may have an Equivalent for a Grant of Twenty Acres of Meadow Made by the General Court to *Richard Parker* in the Year 1663. for the reasons therein mentioned. Read and the Question was put, *Whether the prayer of the Memorial shall be granted?*

It pass'd in the Negative.

William Tailer, *John Appleton* and *Samuel Partrigg* Esqrs; brought down a Vote of the House of the 12th Currant for not reconsidering another Vote, pass'd the 11th Currant respecting the Method of Chosing a person to be joyned with *Mr. Dummer* in the Agency for the Province, pass'd in Council, *viz.* In Council *December 14th 1723*. Read and Voted, That a Message be sent down to the Honourable House of Representatives to desire they would reconsider the Vote above, in Order to their joyning with the Board in the Choice of an Agent, in the Manner the Agent was last chosen. Read and the House entred into a debate on the aforesaid Vote; and the Question was put, *Whether the House would reconsider the said Vote?* Resolved in the Affirmative.

Ordered, That a Message be sent up to the Honourable Board to acquaint them that the House are ready to proceed to the Choice of a person to be joyned with *Mr. Dummer* in the Agency for the Province in the way the Board propose. Sent up by Major *Quincy*. Who return'd, That the Board were ready to proceed to the Choice.

Then the House proceeded to bring in their written Votes, for a person to be joyned with *Jeremiah Dummer* Esq; in the Agency for the Province.

Ordered, That *John Stoddard*, *Jonathan Remington* Esqrs; and *Mr. Edward White* be a Committee to carry up the Votes of this House for Electing and Chosing a person to be joyned with *Jeremiah Dummer* Esq; in the Agency for this Province, and assist in sorting and counting them, with the Votes of the Board, and report to the House the Choice that shall be made.

The said Committee carried up the Votes of the House and Reported, That *Elisha Cooke* Esq; was chosen by a major part of the Votes of both Houses.

An Accompt of *Peter Frazier* for Entertaining the French Gentlemen and their

Servants, that came lately from *Canada*, by Order of the Lieut Governour & Council. Read and Committed to the Committee for Petitions.

Ordered, That Mr. *Wainwright*, Mr. *Prescott* and Mr. *Shove* be added to the Committee for Petitions; some of the said Committee having obtained leave to go home.

A Bill Entituled, *An Act in further addition to an Act Entituled, An Act for the more Effectual providing for the Support of Ministers*, Made in the first Year of Her late Majesty Queen *A N N E*. Read a second Time.

A Bill Entituled, *An Act to Enable Samuel Sprague, Benjamin Hammond and John Briggs, in behalf of the Town of Rochester, to dispose of a share of Land consisting of a Three and thirtieth part of the Township, which was devoted to the use of the Ministry, they laying out the produce thereof in purchasing other Lands in the Town of Rochester for the use of the Ministry there.* Read a second Time.

A Bill Entituled, *An Act to Enable Isaac Little of Marshfield in the County of Plymouth, Esq; to bring forward a Writ of Review against Joseph Mallinson of Boston in the County of Suffolk, Merchant; and to Enable the said Joseph Mallinson to bring forward a Writ of Review against the said Little, at the Superiour Court of Judicature to be holden at Plymouth on the last Tuesday of April next, of a Judgment of the Superiour Court holden at Plymouth on the last Tuesday of April, 1720.*

Read a first Time. [54]

Nathaniel Payne, Esq; brought down the Report of the Committee appointed the 13th of *June* last, to repair to the East End of the North Precinct in *Bridgewater*, to View and Report whether they judge it reasonable the said East End be set off as a distinct and separate Precinct. Pass'd in Council, *viz.* In Council, *December* 14th 1723. Read & accepted, and *Resolved*, That the East End of the North Precinct of *Bridgewater* be set off a distinct Precinct accordingly.

Sent down for Concurrence.

A Petition of Capt. *John March*, praying, That he may be allowed pay for a Horse that dyed in the Service of this Province in the Troop under his Command, at the Value the said Horse was apprizd at, for the reasons therein mentioned. Read and the Question was put, *Whether the prayer of the Petition shall be granted?*

It pass'd in the Negative.

A Letter to Mr. Speaker from Mr. Secretary *Willard*, setting forth, That the Labour and Difficulty of his Office is much increased by the long and frequent sitting of the General Assembly, and desiring that the House would enter into a proper Consideration of that Matter. Read.

Then the House Adjourned till Monday next at Three a-Clock Afternoon.

Lunæ Die 16. Decembris, A. D. 1723.

A Bill entituled, *An Act to Enable Samuel Sprague, Benjamin Hammond and John Briggs in behalf of the Town of Rochester, to dispose of a share of Land consisting of a Three and thirtieth part of the said Township, which was devoted to the use of Ministry, they laying out the produce thereof in purchasing other Lands in the Town of Rochester, for the use of the Ministry.* Read a Third Time, and

Resolved, That the Bill pass to be Engrossed. Sent up for Concurrence.

A private Bill entituled, *An Act to Enable Isaac Little of Marshfield in the County of Plymouth Esq; to bring forward a Writ of Review against Joseph Mallinson of Boston, in the County of Suffolk, Merchant, and to Enable the said Joseph Mallinson to bring forward a Writ of Review against the said Little at the Superiour Court of Judicature to be holden at Plymouth on the last Tuesday of April next, of a Judgment of the Superiour Court holden at Plymouth on the last Tuesday of April 1720.*

Read a second Time.

John Appleton, John Wheelwright and Adam Winthrop, Esqrs; brought down the Resolve for Supply of the Treasury with the following Message of the Board in Writing, *viz.* In Council, *Decemb. 14th 1723.* The Board taking into consideration the Resolve of the Honourable House of the 12th Instant for Supply of the Treasury, observe the several Clauses therein, which appear to be very inconvenient. The first is in these Words, “*Allowed or pass’d on for Payment by this Court —*” The Effect of which if agreed to, will be not only to incumber the General Court with every minute and inconsiderable Accompt of Charge, and draw out the Sessions (as has been of late experienced) to an unusual and tedious length, both to the great Increase of the Publick Charge, and the vast detriment of the Members that attend the same; but will also prove extremely prejudicial to particular Persons, that are necessarily employed in the Publick Service, who by means hereof will be often kept a long Time out of their just dues, of which heavy Complaints have been already made; and the Publick Credit is thereby much impaired; and the Board are well assured that by the practice of late used for every Accompt and Muster-Roll to pass the Examination of the whole Court, more would be found upon a just Computation to have been left, than saved to the Province; and the Council judge they cannot in Duty to their Country consent to the Resolve as it now stands, lest they thereby incapacitate themselves to Act what may be necessary for the Defence of the Government, and the Protection and Preservation of His Majesty’s good Subjects within the same; which important Trust by the Constitution during the Recess of the Court, is devolved on them. [55]

As to the second, *In the Issuing out l. 500 for Expresses and unforeseen Charges*, it is intirely restrained to the Recess of the General Court, which if the Council should agree to, they would utterly disable themselves from paying any thing,

though of the smallest Value for Services done by their Direction for the Province, while the Court is Sitting, which is a Restriction, not known to be imposed on any Government whatsoever, and so mean and dishonourable in it self, that the Board cannot but take it very unkindly the House should offer it to them.

As to the Third, "*That the several drafts should express out of which two Sums the Money is to be paid:* The Council look upon it a groundless Distrust and Jealousy of the Justice and Fidelity of the Board; and that it tends to bring a needless difficulty and incumbrance on the Publick Affairs.

Upon the whole, The Board being willing always to use the softest Method, have chosen not to pass a Non-Concurrence upon the Resolve; but rather to send it down with their Objections to it; desiring the House will reduce it to the antient and usual Form, which has been so long practised upon with Honour and Safety to the Province.

J. Willard, Secr.

Read and *Ordered*, That Mr. *Cooke*, Mr. *Lewis*, Mr. *Crossman*, Mr. *Stone* and Mr. *Prescot* be a Committee to take the abovesaid Message into their Consideration, and make Report of what they think proper for the House to Act thereon.

Ordered, That a Message be sent up to His Honour the Lieut. Governour by Mr. *Menzeis*, to inquire if His Honour has pass'd on the Vote of both Houses for Electing and Chosing *Elisha Cooke*, Esq, to the Agency for the Province, in Conjunction with *Jeremiah Dummer*, Esq;

Edward Bromfield, Esq; brought down an Engross'd Bill Entituled, *An Act for the Confirming and more sure making to Samuel Browne of Rowley in the County of Essex, Husbandman, and to his Heirs for ever, certain Housing & Lands within the Towns of Rowley & Bradford, granted to him by his Father John Browne late of said Rowley Deceased.* Read, and *Resolved*, That the Bill pass to be Enacted.

Sent up.

Spencer Phipps, Esq; brought down sundry Letters from *Albany*, giving an Account of the Motions of the Indians; and of the kind Treatment they receive from the French Governour at *Canada*, in supplying them with Provisions, Ammunitions, &c. Read, and sent up.

Mr. Secretary brought down the Vote of the Court for the Choice of a Person to be joyned with *Jeremiah Dummer*, Esq; in the Agency for the Province, viz. In Council, *Decemb. 14th, 1723.* This Day *Elisha Cooke*, Esq; was Elected by a major part of the Votes of the Council and Representatives, an Agent for this Province, to be joined with Mr. *Dummer* now in *London*; and to appear at the Court of *Great Britain*, in behalf of the Province, for the Defence and Prolongation of our CHARTER Privileges.

J. Willard, Secr.

Sign'd by His Honour the Lieutenant Governour in these Words, viz.

Consented to, *Wm. D U M M E R.*

A Memorial of the Commissioners for the *l. 100,000* Loan, for the County of *Essex*, as entred the 11th Currant, Read again; and thereupon *Voted*, That Capt.

Peter Osgood, Capt. *Daniel Epes* of *Salem*, and Capt. *Richard Kent* of *Newbury*, be added to the said Commissioners, who are in all things directed to observe the Laws respecting the Letting out and calling in the said *l. 100,000* Loan, and the Interest that may arise thereon. Sent up for Concurrence.

The Report of the Committee appointed to repair to the North Precinct in *Bridgwater*, brought down the 14th with the Vote of Council thereon. Read, and Resolved a Concurrence with the said Vote.

A Petition of Dr. *Bartholomew Jackson*, praying he may be allowed to bring in a Bill in Addition to a private Act made in his Favour to file Reasons of Appeal from [56] a Judgment obtained against him by *Nicholas Andrews* and *Mary* his Wife, Administrators, &c. at an Inferiour Court held at *Salem* the last Tuesday of *December* last, to enable the Justices of the Superiour Court of Judicature, at the Court to be held at *Ipswich* for the County of *Essex*, on the Third Tuesday of *May* next, to make up Judgment for the Petitioner's Possession of the Messuage, &c. in Controversy, and that Execution may Issue out accordingly, returnable to the Superiour Court, to be holden at *Salem*, for the County aforesaid, on the last Tuesday of *October* next. Read, and Ordered, That the prayer of the Petition be granted, and that the Petitioner have leave to bring in a Bill accordingly.

Sent up for Concurrence.

Ordered, That Mr. Speaker, Mr. *Remington*, and Col. *Stoddard*, with such as the Honourable Board shall Appoint, be a Committee to wait on *Elisha Cooke* Esq; who has been lately Chosen to the Agency for the Province, to be joyned with Mr. Agent *Dummer*, to know if he be inclinable to serve the Province in that great and momentous Affair. Sent up for Concurrence.

An Accompt of Mr. Sheriff *Winslow* for sundry Charges in repairing the Province House, &c. Read and Committed to the Committee for Petitions.

A Memorial of the Committee of the Town of *Deerfield* for building Garrisons in said Town by Order of the General Court; shewing, That sundry Men were employed in that Town as a Guard to cover the Inhabitants in gathering in their Harvest, as well as defend and secure them in the Garrisons built by Order, as aforesaid, praying that the Sum of *l. 34 17 s. 6 d.* may be allowed the persons that have done the aforesaid Service. Read and Committed to the Committee for Muster-Rolls.

Then the House Adjourn'd till to Morrow Morning Nine a.Clock.

Martis Die 17. Decembris, A. D. 1723.

A Bill Entituled, *An Act in further Addition to an Act Entituled, An Act for the more effectual providing for the Support of Ministers.* Made in the first Year of Her late Majesty Queen *A N N E.* Read a third Time, and Resolved, That the Bill pass to be Engrossed. Sent up for Concurrence.

Edward Bromfield Esq; brought down the Bill entituled, *An Act to Enable Samuel Sprague and Others to make Sale of a Ministerial Lott, &c. in Rochester*, sent up Yesterday. Pass'd in Council, viz. In Council, *December 16th. 1723.* Read a first and second Time, and pass'd a Concurrence with the Amendment.

Sent down for Concurrence. Read and Concurred. Sent up.

A Petition of *Joshua Underwood*, praying he may be allowed the Sum of *Eleven Pounds* for Conducting four Souldiers to *Casco-Bay* in the Service of the Province in the Year 1720. Certified by Mr. Secretary. Read and Committed to the Committee for Muster-Rolls.

A Bill entituled, *An Act of Limitation for quieting of Possessions.* Read a Third Time, and the Question was put, *Whether the Bill shall pass to be Engross'd?*

It pass'd in the Negative.

A private Bill entituled, *An Act for taking off the Entail upon certain Estates in the County of Essex, late the Estates of Nathaniel Saltonstall of Haverhil in the said County, Esq; deceased, which he was siezed off as Tenant in Tail.* Read in Council Three several Times, and pass'd to be Engross'd.

Sent down for Concurrence. Read a first Time.

A Petition of *Josiah Shelden of Northampton*, praying he may have some suitable Allowance made him for coming Express from *Northampton* with a Letter for His Honour the Lieut. Governour, express'd at first from Col. *Schuyler*.

Read and

Resolved, That the Sum of *Three Pounds* be allowed and paid out of the Publick Treasury to the Petitioner *Josiah Shelden* in full for the Service in the Petition mentioned. Sent up for Concurrence.

A Bill entituled, *An Act in Addition to the Act for holding Special Courts of Assize and General Goal Delivery.* Read a third Time, and the Question being put, *Whether the House will Concurr with the Vote of Council thereon?*

It pass'd in the Negative. [57]

A Bill Entituled, *An Act to Enable Isaac Little of Marshfield in the County of Plymouth Esq; to bring forward a Writ of Review against Joseph Mallinson of Boston, in the County of Suffolk, Merchant, and to Enable the said Joseph Mallinson to bring forward a Writ of Review against the said Little at the Superiour Court of Judicature to be holden at Plymouth on the last Tuesday of April next, of a Judgment of the Superiour Court holden at Plymouth on the last Tuesday of April 1720.*

Read a Third Time, and *Resolved*, That the Bill pass to be Engross'd.

Sent up for Concurrence.

Edward Bromfield Esq; brought down the Petition of Capt. *Josiah Winslow*, as entred the 18th of *November* past, pass'd in Council, viz. In Council, *Decemb. 16th 1723.* A Hearing having been had before the whole Court on this Petition the 26th of *Novemb.* last. Ordered, That the Petitioners be impowred to Contest in the Law at the next Superiour Court of Judicature, to be holden for the County of

Bristol, The Validity of the Rule of Court, The Award of the Referrees, and the Judgment of the Court thereupon, mentioned in the Petition, and that the Petitioners have Leave to bring in a Bill accordingly. Sent down for Concurrence.

Read and Concurr'd.

A Bill Entituled, *An Act for reducing Indians, Negroes and Molattoes residing and belonging to the Town of Boston, to good Order.* Read a third Time and the Question was put, *Whether the Bill should pass to be Engross'd?*

It pass'd in the Negative.

Col. *Dudley* from the Committee for Muster-Rolls, reported on the Accompt of *Caleb Brookes* for himself and Nine Men waiting on the Commissioners that went to *Albany*, as Entred the 22 d of *November*, The Committee are of Opinion, That the Sum of *l. 27 9 s. 6 d.* be allowed and paid out of the Publick Treasury to the above mentioned *Caleb Brookes*, and the other Troopers herein Named, in full discharge hereof. Read and Accepted, and Resolved, That the Sum of *Twenty seven pounds nine shillings and six pence* be allowed and paid out of the Publick Treasury to the said *Caleb Brookes* and the other Men mentioned in the Accompt, in full discharge thereof. Sent up for Concurrence.

A Bill Entituled, *An Act to enable Francis Moore of Boston Cooper, and Guardian of William Cooke a Minor, Son of William Cooke, late of said Boston Mariner, and Lydia his Wife both Deceased, Intestate, to Sell their part of a certain House and Land in Boston.* Read a first and a second Time.

An Accompt of *Joseph Jennings*, Esq, for conducting the Delegates from *Boston* to *Springfield*, his Horse, Expences, &c. Read, and Resolved, That the Sum of *Four Pounds* be allowed and paid out of the Publick Treasury, to the Accomptant, in full Discharge of his Accompt. Sent up for Concurrence.

Whereas this Court did Resolve at their Session held in May last, That the Sum of *l. 21 17 s.* should be paid to the Administrators of *Samuel Ashley* of *Westfield*, for Subsisting one *Beavennee* a French Prisoner; *which Sum the said Samuel Ashley obliged himself, to pay to Jonas Dow of Albany in the Currant Money there: And that Justice may be done to the Estate of the said Samuel Ashley*, Resolved, That the Sum of *Ten Pounds* be allowed and paid out of the Publick Treasury to Mr. *Daniel Bagg*, to be by him repaid to the Administrators of the Estate of the said *Samuel Ashley*, in full Satisfaction of what he obliged himself to pay to the said *Dow* for Subsisting the said *Beavennee*. Sent up for Concurrence.

A Bill Entitled, *An Act to enable the Town of Leicester to Assess and Levy Execution upon the Proprietors of the said Town for Payment of the Ministerial Charge.*

Read a first time.

A Motion being made, upon His Honour's Message of the 13th, recommending the Forces that have been longest out in the Eastern parts, to some suitable Bounty for their Encouragement, which was Read. And thereon Ordered, That Col. *Stoddard*, Col. *Dudley*, Capt. *Rolfe*, Mr. *Daniel Pierce*, and Maj. *Pynchon*,

be a Committee to take the said Message under Consideration, and Report their Opinion of what may be proper for the Court to pass thereon. [58]

Post Meridiem.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Daniel Gookin*. And a Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *John Billings*.

Read and Committed to the Committee for Muster-Rolls.

A Bill Entituled, *An Act to enable the Town of Leicester to Assess & Levy Execution upon the Proprietors of the said Town, for Payment of the Ministerial Charge.*

Read a second time.

A Bill Entituled, *An Act to enable Francis Moore of Boston Cooper, and Guardian to William Cooke a Minor, Son of William Cooke, late of said Boston Marriner, and Lydia his Wife, both Deceased Intestate, to sell their part of a certain House & Land in Boston.* Read a third time, and *Resolved*, That the Bill pass to be Engrossed. Sent up for Concurrence.

Voted, That His Honour the Lieut. Governour be desired to give his Orders that Twelve Men and a Serjeant be posted at the Garrison'd House at *St. George's* River, and that Pay and Subsistence be allowed them till the Session of this Court in *May* next. Sent up for Concurrence.

A Bill Entituled, *An Act to enable Benjamin Blackstone of Salem, to revive an Appeal from a Judgment of an Inferiour Court, recovered against him on the last Tuesday of June last, at Salem in the County of Essex, by George Felt of Salem aforesaid.* Read a first Time.

In the House of Representatives, *December 17th 1723.*

The House having taken into their serious consideration the Message of the Honourable Board, of the 14th Instant, respecting the Resolve for Supply of the Treasury; are of Opinion, That the said Resolve in the several Clauses thereof, contains nothing but what the Board heretofore have hinted on the like Occasion, and has been answered by the House, & then the Supply of the Treasury been agreed on by the whole Court, conformable to that last sent up, which is founded on the Powers and Directions in the Royal CHARTER for granting Rates and Taxes.

The *First* Objection made by the Board is against those Words, "*Allowed or Passed on for Payment by this Court,*" for that the Effect thereof would incumber the Business of the Court, and prove extreamly prejudicial to particular Persons, &c Which Observation the House are of Opinion, is not well founded, for that the General Court's Auditing the particular Accompts of Persons, though some are but small, does not much prolong the Session, nor is at present, the Reason of any One's being kept out of their just Dues, or the Publick Credit impaired: If the Treasury be supplied with Publick Bills of Credit seasonably, no One will have

occasion to complain on that Head: But it seems strange if the House desire the Examination of all Accompts of Charge, before they pass for Payment, that they should be denied; more especially, considering they Represent the People, who by their Rates and Taxes Supply the Treasury. But should the Method now practised by examining the several Accompts, detain the Court some Days, yet our Principals being well pleased, That all Accompts should be examined by the House of Representatives before any Order be passed for Payment; and therefore They and We account it a good and wholesome Practice, and not to be parted with. As to the Reason assigned by the Honourable Board for their not coming into the Supply as sent up, viz. “*That they shall be incapacitated thereby from doing what might be necessary for the Defence of the Government, &c.*” The House are of Opinion, That inasmuch as no such Difficulty or Inconvenience has been experienced; and more especially considering the Intermission between this and the next Session of this Court will not be long; that the Government will be defended, and His Majesty’s good Subjects Preserved and Protected, without any great Inconvenience or Damage. [59]

The *next* Objection relates to *the Restriction of the Five Hundred Pounds for Expresses, &c. to the Recess of the Court*, which they are pleas’d to term *Mean & Dishonourable*: To which the House say, The matters of the smallest Value have never been insisted on in this Case; but while the Court is sitting, are of opinion the House ought to be advised with, especially in Pecuniary Matters, and think the Board cannot account it Mean and Dishonourable so to do.

As to the *Third*, viz. “*That the several Drafts should express out of what Sum they are to be paid, &c.*” The House cannot apprehend such a *Groundless Jealousy* or *Distrust* of their Fidelity necessarily implied, much less designed therein, for as-much as it might be only to direct the Treasurer in charging the same to the proper Accompt it belongs; or it might be (as indeed it is designed to be) a safe Method in case of any Alteration or Changes that may come, when Precedents may be urged as strong Arguments to fall into the Practice now pleaded for by the Board. Neither are We sensible of any great Difficulty or Incumbrance brought on our Publick Affairs by the proposed Compliance.

Upon the Whole, The House being always ready and willing to take the best Methods for the Benefit and Safety of this Province; Do therefore desire the Honourable Board, upon more mature Consideration, to Concurr with them in the Resolve now posed, as being the best Way to secure to Us and Our Posterity, One of those Valuable Privileges, which by Our happy Constitution We now enjoy.

Sent up by Mr. *Wainwright*, Mr. *Phillips*, Capt. *Epes*, and Mr. *Little*.

Then the House Adjourn’d till to Morrow Morning Nine a-Clock.

Mercurij Die 18. Decembris, A. D. 1723.

MR. Speaker *Clark* being necessarily detained from the House on some special Occasions, *Voted*, That *William Dudley* Esq; be Speaker of the House *Pro Tempore*.

According to the Order of the Day for a Hearing on the Petition of *John Moulton* & *John Roberts*; The Petitioners were admitted into the House, as were also Capt. *Blin*; and the Attorney of Mr. *Timothy Orne*; and after a full Hearing on the Petition and the Allegations thereof, with the Answer of the adverse Parties thereto, the Parties withdrew; and the House entred into the Consideration of the Petition, and *Voted*, That the Petition be dismiss'd.

Col. *Dudley* from the Committee for Muster-Rolls, reported, *viz.*

On the Muster-Roll of the Company under the Command of Capt. *Jonathan Richardson*, as entred the 12th Currant; The Committee having examined the within Muster-Roll find it right Cast and well Vouch'd, are therefore of Opinion, That the Sum of *l. 85 16 s. 3 d.* be allowed and paid out of the Publick Treasury unto the Officers and Souldiers born on this Roll; And that the further Sum of *l. 36 10 s. 10 d.* be paid out of the Publick Treasury unto Capt. *Richardson*, and by him repaid to the several Persons that have subsisted the Men, always excepting what the Treasurer has already supply'd.

Read and Accepted, and *Resolved*, That the Sum of *Eighty five pounds sixteen shillings and three pence*, be allowed and paid out of the Publick Treasury to the said Capt. *Jonathan Richardson*, the Officers and Souldiers born on the within Roll in full discharge of the Wages thereof; and that the further Sum of *Thirty six pounds ten shillings and ten pence*, be allowed and paid out of the Publick Treasury to the said *Jonathan Richardson* to be by him repaid to the persons that have subsisted the Men, always excepting and reserving what Mr. Treasurer has advanced for subsistence to them.

Sent up for Concurrence. [60]

On the Muster-Roll of the Company under the Command of Capt. *John Winchester*, as entred the 12th Currant, The Committee having examin'd this Muster-Roll, find it right Cast and well Vouch'd, Wherefore are of Opinion, That the Sum of *l. 155 14 s. 5 d.* be allowed and paid out of the Publick Treasury unto the said Capt. *John Winchester*, and by him repaid to the Officers and Souldiers and Inhabitants that have subsisted the Men and their Horses, in full discharge of this Roll.

Read and Accepted, and *Resolved*, That the Sum of *One hundred fifty five pounds, fourteen shillings and five pence*, be allowed and paid out of the Publick Treasury to the said Capt *John Winchester*, to be by him repaid to the Officers and Souldiers born on the within Roll, and persons who have subsisted them and their Horses, in full discharge of the Wages and Subsistence due on the within Roll.

Sent up for Concurrence.

On the Muster-Roll of the Company under the Command of Capt. *Samuel*

Wright, as entred the 13th Currant, The Committee find it right Cast and well Vouch'd by the Oath of the said Capt. *Wright*, are therefore of Opinion, That the Sum of *l. 150 14 s. 8 d.* be allowed and paid out of the Publick Treasury unto the Officers and Souldiers born on this Roll; And that the further Sum of *l. 73 10 s.* for subsisting the Men be allowed and paid out of the Publick Treasury to the said *Wright*, and by him repaid to the persons that have subsisted the said Souldiers, in full discharge of this Roll, first deducting what has already been supplied by the Treasurer. Read and Accepted, and *Resolved*, That the Sum of *Two hundred twenty four pounds, four shillings and eight pence* be allowed and paid out

of the Publick Treasury to the Officers and Souldiers born on the within Roll, and the persons that have subsisted them, in full discharge of the Wages and Subsistence due on the within Roll, first deducting what the Treasurer has already paid for subsistence. Sent up for Concurrence.

On the Muster-Roll of the Company of Troopers under the Command of Capt. *John Billings*, as entred the 17th Currant, The Committee find the same right Cast and well Vouch'd, are therefore of Opinion, That the Sum of *l. 130 00 s. 1 d.* be allowed and paid out of the Publick Treasury to the said Captain, and by him repaid to the Officers and Souldiers born on this Roll, and the persons that have subsisted the Men and their Horses, in full discharge hereof. Read and accepted and *Resolved*, That the Sum of *One hundred & thirty pounds and one penny*, be allowed and paid out of the Publick Treasury to Capt. *John Billings* to be by him repaid to the Officers and Souldiers born on the within Roll, and the Persons that have subsisted them and their Horses in full discharge of the Wages and Subsistence hereof. Sent up for Concurrence.

On the Muster-Roll of the Sloop *Merry Meeting*, *Thomas Sanders* Master, as entred the 12th Currant, The Committee find this Muster-Roll right Cast, and according to the usual Allowance, are therefore of Opinion, That the Sum of *l. 238 3 s. 6 d.* be allowed and paid out of the Publick Treasury to *Thomas Sanders* Master, and the Men born herein, and for Sloop hire, in full discharge hereof. Read and accepted and *Resolved*, That the Sum of *Two hundred thirty eight pounds three shillings and six pence* be allowed and paid out of the Publick Treasury to the said *Thomas Sanders* and the Men born on the Roll, in full for the Wages and Sloop hire thereof. Sent up for Concurrence.

On the Muster-Roll of the Company of Troopers under the Command of Capt. *John Fowle*, as entred the 12th Currant, The Committee find it right Cast & well Vouch'd, are therefore of opinion, That the Sum of *l. 131 00 s. 10 d.* be allowed and paid out of the Publick Treasury to the said Capt. *Fowle*, and by him repaid to the other Officers and Souldiers, and Persons who subsisted the Souldiers and their Horses, in full discharge of this Roll. Read & accepted, and *Resolved*, That the Sum of *One hundred thirty one pounds & ten pence* be allowed & paid out of the Publick Treasury to the said Capt. *John Fowle*, to be by him repaid to the Officers

and Souldiers born on the within Roll, and Persons who have subsisted the Men and their Horses, in full discharge of the Wages and Subsistence thereof.

Sent up for Concurrence. [61]

On an Accompt of Expence and Attendance in Nursing *James Richardson*, One of the aforesaid Troopers, being taken Sick in the Service, The Committee are of Opinion, That the Sum of *l. 4* be allowed and paid out of the Publick Treasury to *James Richardson* above-named in full for his Charges Expended during his Sickness.

Read and Accepted, and *Resolved*, That the Sum of *Four Pounds* be paid to the said *James Richardson* accordingly. Sent up for Concurrence.

Nathaniel Payne Esq; brought down the Bill Entituled, *An Act to enable Francis Moore of Boston, Carpenter, and Guardian to William Cooke a Minor, Son of William Cooke late of said Boston, Marriner, and Lydia his Wife both Deceased, Intestate, to Sell their part of a Certain House and Land in Boston*, pass'd in Council, viz. Read three several Times, and Voted a Concurrence with Amendments.

Sent down for Concurrence. Read and Concurr'd.

A Bill Entituled, *An Act for taking off the Entail upon certain Estates in the County of Essex, late the Estates of Nathaniel Saltonstall of Haverhill in said County, Esq; Deceased, which he was siezed off as Tenant in Tail.* Read a second Time.

Edward Bromfield Esq; brought down a Bill Entituled, *An Act in addition to a private Act Entituled, An Act to enable Bartholomew Jackson of Marblehead in the County of Essex, Physician, to File Reasons and Prosecute his Appeal at the next Superiour Court of Judicature to be holden at Salem for the County of Essex, on the last Tuesday of October next, from a Judgment of an Inferiour Court of Common Pleas holden at Salem in and for the County of Essex, on the last Tuesday of December last past, obtained against him by Nicholas Andrews and Mary his Wife, as they were Administrators de bonis Non, &c. to the Estate of Samuel Reed late of Marblehead, Deceased.* Pass'd in Council, viz. Read Three several Times, and pass'd to be Engross'd,

Sent down for Concurrence. Read Three several Times, and *Resolved* a Concurrence. Sent up.

A Muster-Roll of a Scout at *Almsbury* in His Majesty's Service under the Command of *John Blaisdale*. Read and Committed to the Committee for Muster-Rolls.

Post Meridiem.

A Bill Entituled, *An Act for taking off the Entail upon certain Estates in the County of Essex, late the Estates of Nathaniel Saltonstall of Haverhill in the County of Essex, Esq; Deceased, which he was siezed off as Tenant in Tail,* Read a third Time, and pass'd a Concurrence with the Vote of Council with the Amendment. Sent up for Concurrence

A Bill Entituled, *An Act to enable the Town of Leicester to Assess and Levy Execu-*

tion upon the Proprietors of that Town, for Payment of the Ministerial Charge. Read and Committed to Mr. Remington, Col. Bond and Mr. Menzeis, to take the same under Consideration, and Report what Amendments may be proper to be made thereon.

A Petition of *Gershom Rice*, *James Rice* and 65 others, praying for a Grant of a parcel of Land including the Great *Wachusett* Hills, as entred the 9th of *August* past, and referred to this Session. Read and referred to the *May* Session for further Consideration.

A Petition signed *James Wood* in the Name of the Inhabitants of the East Precinct in *Enfield*, &c. praying as entred the 24th of *August* past, referred to this Session. Read and referred to the *May* Session; and that the Petitioners serve the Town of *Enfield* with a Copy of the Petition in the mean time.

A Muster-Roll of a Company of Souldiers in His Majesty's Service drawn from several Companys of Militia in Col. *Partrigg's* Regiment, who marched to the Relief of *Northfield*, under the Command of Col. *John Stoddard*, when the Indians attacked that Place. Read, and *Resolved*, That the Sum of *Thirty four pounds three shillings & ten pence* be allowed and paid out of the Publick Treasury to Col. *John Stoddard*, to be by him repaid to the Persons to whom the same is respectively due, as inserted in the above Muster-Roll, in full discharge of the Wages and Subsistence of the same. Sent up for Concurrence. [62]

A Memorial of sundry Inhabitants, Merchants and others their Associates residing in the Province of the *Massachusetts-Bay*, proposing to build a Line of Block-Houses from *Merrimack* to *Connecticut* at their proper Cost and Charge, provided they may be allowed a certain Tract of Land, as particularly mentioned in the Memorial. Read, and the Question was put, *Whether the prayer of the Memorial should be granted?* It pass'd in the Negative.

A Message of the Board of the 12th Currant, proposing that some Allowance be made to the Commissioners that went to *Albany*, for their Service in that Affair, &c. Read, and *Ordered*, That *Charles Chambers*, *Jonas Bond*, *John Quincy*, *James Cawley*, Esqrs; and Mr. *Edward White* be a Committee to consider of that part of the Message, and make Report what Allowance they think may be proper to be made to the said Commissioners for said Service.

A Petition of *Stephen Barker* in behalf of sundry Inhabitants of *Haverhill* and parts adjacent, not included within any Township, praying they may be Erected into a Township for the Reasons therein mentioned. Read and referred to the next *May* Session; and that in the mean Time Mr. *John Sanders* Representative of the Town of *Haverhill* notify the said Town of the Petition.

A Petition of *Thomas How* and 64 others of *Marlborough* and *Stow*, praying as entred the 27th of *June* past, and referred to this Session. Read and referred to the *May* Session for further Consideration.

A Petition of sundry of the Inhabitants of *Andover*, *Bradford* and *Haverhill*, &c.

Petitioners formerly for the Grant of a Tract of Land, lying on *Merrimack River* at a Place called *Pennycook*, as entred the 9th of *June 1721*. Read and Committed to Mr. *Wainwright*, Col. *Stoddard*, and Mr *Edward White* to consider of the Petition, and Report what they think proper for the Court to act thereon.

Then the House Adjourned till to Morrow Morning Nine a-Clock.

Jobis Die 19. Decembris, A. D. 1723.

A Bill Entitled, *An Act to enable the Town of Leicester to Assess & Levy Execution upon the Proprietors of that Town, for Payment of the Ministerial Charge*. Read a Third time and *Resolved*, That the Bill pass to be Engross'd.

Sent up for Concurrence.

Mr. *Wainwright* from the Committee appointed to consider of the Petition of sundry Persons for the Grant of a Tract of Land at *Pennycook*, made Report thereon; which was accepted, and thereupon, *Voted*, viz. *In Answer to the Petition of sundry Inhabitants of Andover, Bradford and Haverhill, presented Yesterday to the Court; and also the Petition therein referr'd to, sign'd Stephen Barker and others, for the Grant of a Tract of Land at Pennycook, presented to this Court at their May Session 1721, and the Proposals made by the Petitioners: Resolved*, That the Tract of Land lying and being on both sides of *Merrimack River*, at a Place called *Pennycook*, lately Surveyed and laid out by *William Ward* and *John Jones*, viz. in *May 1722*, Surveyors upon Oath, by Order of the House of Representatives, be and hereby is granted unto One hundred Persons, such as shall be admitted by the Committee hereafter named. And that the said Tract of Land as particularly delineated and described in the Plan herewith exhibited, be and hereby is Erected into a Township. And that *John Wainwright* of *Ipswich*, Esq; Mr. *John Sanders* of *Haverhill*, and Capt. *James Frye* of *Andover*, be a Committee fully Authorized and Impowred by this Court to Allott and Grant out to such Persons, and only such, as will effectually settle the same within Three Years next after the End of the present Indian War, giving the preference to such of the Petitioners, as in their Judgment may be most likely to make a Settlement; the Lotts and Settlements to be laid out by said Committee in equal Proportion, according to the best Judgment of the Committee, to be in as Regular and Defensible a manner, as the Nature and Circumstances of the Lands will admit and allow of, each Person or Family [63] to whom a Lott with the other Rights and Dividends are granted, shall be obliged to build a good Dwelling-House thereon and Inhabit the same; and also to break up and sufficiently Fence in Three Acres of Land each, within the said Term of Three Years as aforesaid, That there be reserved and laid out to the first Setled Minister in said Town a convenient Lot, also a Lot for the School, and Ministerial Lot in the said Town; and the Setlers be obliged to build a convenient House for the Publick Worship of GOD in the said Town, within the Term of

Four Years. The Charge of the Committee to be paid by the Grantees; and that the Committee give Publick Notice of the Time and Place of their Meeting to grant Alottments. *Provided nevertheless*, That in Consideration of the Extent of the Grant, and Goodness of the Soil, and the Charge hitherto arisen in Surveying the same, and taking the aforesaid Plan, The Setlers and Grantees shall be obliged and hereby are enjoyned at their own Cost and Charge, to Erect, Build and Finish by the First Day of *May* next, a sufficient House well Strengthned and Fortified, in some convenient Place on the Premises; and shall also Pay and Subsist Twenty able Bodyed effective Men, well Equip'd with Arms, Ammunition, &c. in said House; to be Posted by the Commander in Chief for the Time being, for the Defence and Security of the Setlers, to Cover and Protect them from the Invasions of the Enemy; and also a Guard and Defence to the Towns within: The Twenty Men as aforesaid, to be Subsisted and Paid by the Grantees during the present Indian War, and no longer. Sent up for Concurrence.

The Resolve for Supply of the Treasury brought down from the Board, and pass'd on there, *viz.* In Council, *Decemb.* 18th, 1723. Read & Concurr'd with the Amendments. Sent down for Concurrence. Read, and the House Voted a Concurrence with the Amendments *C. F. & K.* the other Amendments Non-Concurr'd, and the House insist on their own Vote as Amended.

Sent up for Concurrence.

Post Meridiem.

Samuel Partrigg Esq; brought down the following Vote of Council, *viz.* In Council, *Decemb.* 19th 1723. Voted, That a Conference be had with the Honourable House of Representatives on the Matters in Difference between the two Houses respecting the Vote for supply of the Treasury. Sent down for Concurrence.

Read, and the House entred into a debate thereon, and the Question being put, *Whether the House will concur with the said Vote of Council?*

It pass'd in the Negative. Sent up.

A Muster-Roll of the Company of Troopers under the Command of Capt. *Enoch Lovell.* Read and Committed to the Committee for Muster-Rolls.

An Engross'd Bill Entitled, *An Act to enable Samuel Sprague, Benjamin Hammond and John Briggs, in behalf of the Town of Rochester, to dispose of a share of Land consisting of a Three and thirtieth part of the said Township which was devoted to the use of the Ministry; They laying out the produce thereof in purchasing other Lands in the Town of Rochester, for the use of the Ministry there.* Read and Resolved, That the Bill pass to be Enacted.

Spencer Phipps Esq; brought down a Petition of *Samuel Bayly* of *Boston*, setting forth that the Administrators on the Estate of *George Whitehorne*, late of *Boston*, Sale-maker, deceased, recovered Judgment against him for the Sum of *l. 61 5 s.*

Money, at *Eight Shillings per Ounce*, being the Chancery of a Bond, from which Judgment he has Appealed to the Superiour Court, which Appeal is now depending before the said Court, that the Estate of the said *Whitehorne* is much indebted to him on Accompt; praying, That this Court would be pleased by a private Act to Enable the Justices of His Majesty's said Superiour Court to discompt so much on the Chancery of the said Bond, as shall appear to be justly due to the Petitioner from the said *Whitehorn's* Estate, pass'd in Council, *viz.* In Council, *December 19th 1723.*

Read and Ordered, That the Justices of the Superiour Court of Judicature be and hereby are Authorized and im-[64]powred in Chancering the Bond referred to in this Petition discompt to the Petitioner such Sum or Sums of Money as upon Examination shall appear justly due to him from the Estate of *George Whitehorne*, deceased: Any Law, Usage or Custom to the contrary notwithstanding. Sent down for Concurrence. Read and Concurr'd

with an Amendment, *viz.* between the Words, *Money* — and — *as upon*, add, *referred to in the Petition.* Sent up for Concurrence.

Col. *Stoddard* from the Committee appointed to consider of His Honours Message proposing a Bounty to the Forces Eastward, for their Encouragement, &c. Made Report which being Read the following Vote pass'd, *viz.* That although it will be a great Hardship on some particular Men to continue them longer in Service, yet the pay of the Government is so great an Encouragement, that many of the Souldiers are fond of the Service, and to give a Bounty to such would be a Mispence of the Province Money. Wherefore for the Relief of such impressed Souldiers as have continued in the Service for Two Years, and are likely to be sufferers by remaining longer in the Service. That upon a proper Representation to be made to His Honour, He be desired to Exchange such Souldiers, by ordering others to be detached from such Company or Town to which such Souldiers desiring a Release did belong.

Voted, That the foregoing Message be sent to His Honour.

John Appleton Esq; brought down the Vote of the House of the 10th Currant, for making Satisfaction to the Forces on the *Canada* Expedition for Her late Majesty's Bounty in giving them Fire Arms, &c. pass'd in Council, *December 18th 1723.* Read and Concurr'd with the Amendments, *viz.* dele *Forty*, and add, *Fifty* — dele *that the other*, &c. and add — *in full Consideration of the same.*

Sent down for Concurrence. Read and Concurr'd.

An Accompt of *Joseph Marion*, for Writing for the Court. Read and Committed to the Committee for Petitions.

Voted, That *Elisha Cooke* Esq; be and hereby is fully Authorized and Impowred to Appear for and represent the House of Representatives in Conjunction with Mr. *Anthony Sanderson* of *London*, or in his Absence by himself, to make Answer to any Complaints that are or may be exhibited against them, either before the Kings Most Excellent Majesty in Council, The Right Honourable the Lords for

Trade and Plantations, The Secretaries of States Office, or any other Board or Boards, or in Parliament, and to observe such Directions and Instructions as they shall from Time to Time receive from the House in order to their Justification and Defence, and to use their utmost Endeavours, that the Representative Body and Inhabitants of this Province, may appear as they truly are, and desire to be Numbred amongst the Most Loyal and Dutiful of His Majesty's Subjects; and that they also endeavour for the Continuance of the Many invaluable Privileges this People Enjoy by the Royal CHARTER.

Sundry Accompts of Charge, Muster-Rolls, and Accompts of Meals from Col. Partrigg.

Read and Committed to the Committee for Muster-Rolls.

An Engross'd Bill Entitled, *An Act to Enable Francis Moore of Boston, Carpenter, and Guardian of William Cooke a Minor, Son of William Cooke late of Boston, aforesaid, Marriner, and Lydia his Wife both deceased Intestate, to Sell their Part of a House and Land in Boston.* Read and Resolved, That the Bill do pass to be Enacted.

Mr. Cooke from the Committee for Petitions, Reported, viz.

On the Petition of *Sion Arnold and Mary his Wife*, as Entred the 10th Currant, The Committee are of Opinion, That the Petition be dismiss'd. Read and Accepted and Voted, That the said Petition be dismiss'd.

On the Petition of *William Woodward*, as entred the 12th Currant, The Committee are of Opinion, That the Sum of *Eight Pounds* be allowed and paid out of the Publick Treasury to the Petitioner *William Woodward* for the Consideration mentioned in the within Petition. Read and Accepted, and Resolved, That the Sum of *Eight Pounds* be allowed and paid out of the Publick Treasury to the Petitioner *William Woodward* in satisfaction of his Charges within mentioned.

Sent up for Concurrence. [65]

On the Accompt of *Peter Frazier* for keeping the French Gentlemen and their Servants, The Committee are of opinion, That the Sum of *l. 43 9 s. 6 d.* be allowed and paid out of the Publick Treasury to the Accomptant *Peter Frazier* in full discharge of this Accompt. Read & accepted, and Resolved, That the Sum of *Forty three pounds nine shillings and six pence* be allowed and paid out of the Publick Treasury to the Accomptant *Peter Frazier* in full discharge of this Accompt.

Sent up for Concurrence.

On the Accompt of *David Melvil* for Subsisting Indians, *Maquois*, &c. as entred the 13. Currant, The Committee are of opinion, That *Twelve pence per Diem* charged in this Accompt for keeping the Indians, is too much, and that it ought to be reduced to *Four shillings & eight pence per Week*, and that the Charge of the Diet for the *Maquois* and two *Christians*, be reduced to *Twelve pence per Diem*; and that the other Articles be allowed. Read & accepted, and Resolved, That the Sum of *Forty three pounds fourteen shillings & eight pence* be allowed and paid out

of the Publick Treasury to the Accomptant *David Melvil* in full discharge of said Accompt.

Sent up for Concurrence.

A Petition of sundry of the Inhabitants, &c. of the West part of *Sherbourn*, praying, That the Place for Building a Meeting House on, for the West part of said Town, may be ordered to be nigh the South East part of *Jasper's Hill* so called, for the Reasons therein mentioned. Read & Dismiss'd.

Then the House Adjourned till to Morrow Morning Nine a-Clock.

Veneris Die 20. Decembris, A. D. 1723.

COL. *Dudley* from the Committee for Muster-Rolls. Reported, viz.

On the Petition of *Thomas Buckminster* as entred the 13th Currant, The Committee having strictly examined the Petitioner *Thomas Buckminster* concerning his exchanging Men, or admitting in any to the Scout for which an Estople has been put upon his Wages, he solemnly affirmed and offered his Oath he did not take in any Person or Souldiers, nor put out any, The Committee are therefore of opinion, That the Estople put on his Wages amounting to *l 8 11 s. 6 d* be taken off, and the said Sum paid out of the Treasury unto the Petitioner *Thomas Buckminster*. Read & accepted, and Resolved, That the Sum of *Eight pounds eleven shillings & six pence* be allowed and paid out of the Publick Treasury to the Petitioner *Thomas Buckminster* in Answer to his Petition. Sent up for Concurrence.

On the Memorial of the Committee of the Town of *Deerfield* as entred the 16th Currant, The Committee are of opinion, That the Petition be Dismiss'd, Read, as also the said Memorial. And the Question was put, *Whether the prayer of the Memorial should be granted?* It pass'd in the Negative.

Benjamin Lynde, Esq; brought down a Bill Entitled, *An Act for taking of the Entail upon certain Estates in the County of Essex, late the Estates of Nathaniel Saltonstall, Esq; late of Haverhill in said County deceased, which he was seized of as Tenant in Tail*. Pass'd in Council. viz. In Council Decemb. 19th 1723. Read and Non-Concurr'd, and the Board insist on the Bill as first sent down.

Sent down for Concurrence. Read & Concurr'd.

Penn Townsend, *Samuel Partrigg*, *John Wheelwright* and *John Turner*, Esqrs; brought down the Resolve for Supply of the Treasury, pass'd in Council, viz. In Council, December 20th 1723. Read and Non-Concurr'd, and the Board adhere to their Amendments upon the most mature Consideration. *J. Willard*, Secr.

Read, and the House adhere to their own Vote as Amended. Sent up by Capt. *Epes*, Capt. *Easterbooke*, Capt. *Brookes* and Capt. *Little*.

Benjamin Lynde, Esq; brought down the Bill to enable the Town of *Leicester*, to Assess & Levy Execution upon the Proprietors of that Town for Payment of the Min-

isterial Charge. Pass'd in Council, *viz.* Read three Times and pass'd a Concurrence with the Amendment. Sent down for Concurrence.

Read & Concurr'd. Sent up. [66]

John Appleton, Esq; brought down the Bill Entitled, *An Act in further Addition to an Act Entituled, An Act for the more Effectual Providing for the Support of Ministers.* Made in the First Year of the Reign of her late Majesty Queen *A N N E.* Pass'd in Council, *viz.* Read Three several Times, and pass'd a Concurrence with the Amendments. Sent down for Concurrence.

Read & Concurr'd. And

A Bill Entitled, *An Act to enable Capt. Josiah Winslow, and his Son Josiah Winslow and Elisha Blackman, to contest in the Law at the next Superiour Court of Judicature to be holden at Bristol, within and for the County of Bristol, The Validity of the Rule of Court by them entred into, The Award of the Referrees, and the Judgment of the said Court thereupon.* Pass'd in Council, *viz.* In Council Read Three several Times, and pass'd to be Engross'd. Sent down for Concurrence.

Read Three several Times, and pass'd a Concurrence. Sent up.

Resolved, That the Sum of *Sixty Pounds* be allowed and paid out of the Publick Treasury to *William Tailer, Spencer Phipps* and *John Stoddard*, Esqrs; Commissioners late on a Treaty had with the *Six Nations* at *Albany*, in full Satisfaction for their Service on that Treaty, to be paid them in equal Proportion.

Sent up for Concurrence.

Voted, That the Clerk of the House be & hereby is directed to pay to *William Payne*, Esq; late Clerk, the Sum of 49 *s.* out of the House's Stock, which with the Sum of *Five Pounds* received this Session, for Fines mulcted on several Members of this House the last Session, and appropriated to defray the Charge of an Action brought against the said *Payne* in his said Capacity, by *Capt. John Alden* of *Duxborough*, making in the whole the Sum of *Seven pounds nine shillings*, to defray the Charges of the said Action.

Edward Bromfield, Esq; brought down the Report of the Committee of both Houses, appointed to consider of the Memorial of *Mr. Richard Partridge, &c.* presented to the KING, in behalf of sundry Persons called *Quakers*, pass'd in Council, *viz.* In Council *Decemb.* 19th 1723. Read, and Ordered, That the Report be accepted with the Amendments. Sent down for Concurrence.

Read & Concurr'd. Sent up.

Post Meridiem.

Ordered, That *Mr. Remington* and *Capt. Rolfe* go up to the Honourable Board, and inquire whether they have pass'd on the Resolve for Supply of the Treasury, sent up this Morning. Who return'd, That the Board acquainted them, That the Vote of the House on said Resolve was Non-Concurr'd.

Thomas Fitch, Esq; brought down an Accompt of the Committee appointed to Effect the Repairs at His Majesty's Castle *William* and Light-House, for sundry disbursments, &c. there, pass'd in Council, *viz.* In Council, *Decemb.* 20th 1723. Read and sent down. Read, and Committed to Mr. *Phillips*, Maj. *Quincy*, Capt. *Osgood* and Capt. *Cawley* to examin said Accompt, and make Report thereon.

Nathaniel Payne, Esq; brought down a Bill Entitled, *An Act to enable Isaac Little of Marshfield, in the County of Plymouth, Esq; to bring forward a Writ of Review against Joseph Mallinson of Boston in the County of Suffolk Merchant, and to Enable the said Joseph Mallinson to bring forward a Writ of Review against the said Little at the Superiour Court of Judicature, to be holden at Plymouth on the last Tuesday of April next, of the Superiour Court holden at Plymouth on the last Tuesday of April 1720.* Pass'd in Council, *viz.* In Council, *December* 17th 1723. Read twice, and pass'd a Concurrence with the Amendments.

Sent down for Concurrence. Read & Concurr'd.

Voted, That a Message be sent up to the Honourable Board to desire they would send down the Resolve for the Supply of the Treasury.

Sent up by Mr. *Johnson*.

Edward Bromfield, Esq; brought down the said Resolve, [67]

Pursuant to the Direction of the Royal CHARTER in that Clause or Paragraph, impowring the General Court to Impose and Levy proportionable and reasonable Assessments, Rates and Taxes.

Resolved, That the Treasurer be and hereby is directed to Issue forth and Emit the Sum of *Twenty Thousand Pounds* in Bills of Credit on this Province, for the necessary Defence and Support of this Government, and the Protection and Preservation of the Inhabitants thereof, to be Issued out and disposed of by Warrant under the hand of the Governour, or Commander in Chief, for the Time being, by and with the Advice and Consent of the Council; all which Sum shall be Applied for the Use, Intents and Purposes in this Act hereafter expressed, *viz.* For the payment of all Grants, Premiums and Stipends established by Law, for the defraying and paying the Charges of Castle *William*, and other Forts and Garrisons, Transports, Muster-Rolls of Souldiers and Sailors, Allowances; and all other Accompts and Charges allowed and passed on for payment by this Court. And the said Bills shall pass out of the Treasury at the Value therein expressed, equivalent to Money, and shall be so taken and accepted in all Publick payments; And that the Duties of Impost and Excise shall be a Fund and Security for the repayment and drawing in the said Bills into the Treasury again.

And as a further Fund and Security for the same, That there be & hereby is granted unto *His Most Excellent MAJESTY* for the Ends and Uses aforesaid, and for no other Ends and Uses whatsoever, A Tax of *Six Thousand Pounds* to be Levied upon Polls and Estates both Real and Personal within this Province, upon

the several Towns and Districts within the same, according to such Rules and in such Proportion as shall be agreed, on and ordered by the Great and General Court or Assembly at their Session in *May*, One Thousand seven hundred and Twenty-seven, and paid into the Publick Treasury on or before the last day of *December* next after. And that the further Sum of *Fourteen Thousand Pounds*, being the remainder of the aforesaid Twenty thousand Pounds be levied upon Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportion on the several Towns and Districts within the same, as shall be agreed on and ordered by the Great and General Court or Assembly at their Session in *May*, One thousand seven hundred and Twenty eight, and paid into the Publick Treasury on or before the last day of *December* next after.

Sent up for Concurrence by Mr. *Tay*, Mr. *Menzeis*, Capt. *Brookes*, and Mr. *James Cushing*.

A Memorial of *John Read* Esq; Attorney General of this Province, praying this Court would Appoint a Committee in behalf of the Province, in whose Name he may bring forward a Writ of Ejectment against *Daniel Howard*, and others, pursuant to an Order of Court pass'd the last *May* Session, pass'd in Council, *viz.* In Council, *December* 19th. 1723. Read and Ordered, That *Samuel Thaxter*, *Robert Spurr* and *John Quincy*, Esqrs; or any Two of them (the former Committee) be and hereby are fully impowred in behalf of the Province to Commence an Action or Actions of Trespass and Ejectment against *Daniel Howard*, *Robert Howard*, *Joseph Snell* & *Ephraim Fobes*, or others the *Ter-Tenants* for Recovery and Possession of a Tract of Province Land referred to in the Report and Order on the other side. Sent down for Concurrence. Read and Concurr'd.

Col. *Dudley* from the Committee for Muster-Rolls, Reported, *viz.*

On the Muster-Roll of the Company of Troopers under the Command of Capt. *Enoch Lovell*, as entred the 19th Currant, The Committee have examined this Roll, find it right Cast and well Vouch'd, are therefore of Opinion, That the Sum of *l. 126 17 s. 3 d.* be allowed and paid out of the Publick Treasury to the said Capt. *Enoch Lovell*, and by him repaid to the Officers and Troopers born on this Roll, and Persons that have subsisted the Men and their Horses, in full discharge of this Muster-Roll. Read and Accepted, and Resolved, That the Sum of *One hundred twenty six pounds seventeen shillings and three pence*, be allowed and paid out of the Publick Treasury to the said Capt. *Enoch Lovell*, and by him repaid to the Officers and Souldiers born on this Roll, and Persons who have subsisted the Men and their Horses, in full discharge of the Wages and Subsistence thereof.

Sent up for Concurrence. [68]

On the Muster-Roll of Capt. *Daniel Gookin*, as entred the 17th Currant, The Committee having examined this Roll, find it right Cast and well Vouch'd; but whereas the Lieut. *Peter Oliver* was absent more than Six Weeks of the Time, he stands entred on this Roll, The Committee are of Opinion, That the Sum of *Six*

Pounds be deducted from his Wages, and *Gideon May* a Souldier born on this Roll, was also absent more than Two Months of the Time he stands entred in this Roll, The Committee are of Opinion, That the Sum of *Four Pounds* be deducted from his Wages, after which deductions, The Committee are of Opinion, That the Sum of *l. 407 7 s. 4 d* be allowed and paid out of the Publick Treasury unto the Officers and Souldiers born on this Roll, in full discharge thereof. Read and Accepted, and *Resolved*, That the Sum of *Four hundred and seven pounds, seven shillings and four pence*, be allowed and paid out of the Publick Treasury to the said Capt. *Daniel Gookin*, the other Officers and Souldiers born on this Roll, to whom the same is respectively due, agreeable to the within report, in full discharge thereof. Sent up for Concurrence.

On the Muster-Roll in His Majesty's Service under the Command of Capt. *John Penhallow*, as entred the 12th Currant, The Committee having examined this Muster-Roll, find it right Cast and well Vouch'd by the Oath of the said *Penhallow*, who affirmed all the Men except *Peter Harret* were on Duty the whole Time they stand entred, The Committee are therefore of Opinion, That *Forty shillings* be deducted from the pay of the said *Harrett*, and that the Sum of *l 478 12 s. 2 d.* be allowed and paid out of the Publick Treasury to the Officers and Souldiers born on this Roll, in full discharge of the same. Read and Accepted, and *Resolved*, That the Sum of *Four hundred seventy eight pounds, twelve shillings and two pence*, be allowed and paid out of the Publick Treasury to Capt. *John Penhallow*, the other Officers and Souldiers born on the within Roll, in full discharge thereof. Sent up for Concurrence.

On the Petition of *Joshua Underwood*, as entred the 17th Currant, The Committee having had Consideration of this Petition are of Opinion, That the same be continued to the next *May* Session, and that the said *Joshua Underwood* produce his Order for conducting the Recruits mentioned. Read and Accepted.

An Engross'd Bill, Entitled, *An Act in addition to a private Act Entitled, An Act to enable Bartholomew Jackson of Marblehead in the County of Essex, Physician, to file Reasons and prosecute his Appeal at the next Superiour Court of Judicature to be holden at Salem for the County of Essex on the last Tuesday of October past, from a Judgment of an Inferiour Court of Common Pleas holden at Salem for the County of Essex on the last Tuesday of December last past, obtained against him by Nicholas Andrews and Mary his Wife, as they were Administrators de bonis non, &c. to the Estate of Samuel Reed, late of Marblehead, deceased.* Read and *Resolved*, That the Bill pass to be Enacted.

An Engross'd Bill, Entitled, *An Act to enable the Town of Leicester of Assess & Levy Execution upon the Proprietors of that Town for payment of the Ministerial Charge.* Read and *Resolved*, That the Bill pass to be Enacted.

An Accompt of *Jonathan Belcher* Esq, and Mr. *Jonathan Williams*, for sundrys they supplied the Delegates the last Session of the Court, but was omitted being

then presented. Read and *Resolved*, That the Sum of *Six pounds nine shillings and three pence* be allowed and paid out of the Publick Treasury to *Thomas Fitch Esq*; for the Use of the Accomptants. Sent up for Concurrence.

A Petition of Lieut. *George Allen*, praying he may be allowed to receive the Wages due to him for Service in the Company under the Command of Capt. *Joseph Heath*, to the 20th, that Muster-Roll not being yet presented for Payment. Pass'd in Council, *viz.* In Council, *Decemb. 20th 1723*. Read and sent down, recommended. Read & Dismiss'd.

A Petition of *William Hamilton of Brimfield*, setting forth, That he purchased certain Lands in said Town, as particularly therein mentioned, praying for the Authority of this Court, for confirming the Title of his Purchasers, for the Reasons assigned in the Petition. Read & referred to *May Session* for further Consideration. [69]

An Accompt of *Ebenezer French*, amounting to *l. 7 6 s. 1 d.* for keeping and subsisting sundry of the Indian *Maquois*, &c. Read and the Question was put, *Whether the Accompt shall be allowed?* It pass'd in the Negative.

Resolved, That the Committee that Made the last Bills of Credit on this Province be desired and directed to Print off and finish as soon as may be, the Sum of *Twenty Thousand Pounds*, Seventeen thousand five hundred pounds thereof from the Plate of the Highest Denomination, Two thousand pounds thereof from the Plate of the Middle Denomination, and Five hundred pounds thereof from the Plate of the Lowest Denomination, and deliver them when finished to the Treasurer of this Province, taking his Receipt for them; the said Committee to be paid for their Service as for the Bills last made, and the Bills to be issued out as this Court shall hereafter Resolve. Sent up for Concurrence.

Resolved, That Mr. Speaker *Clark* be directed to deliver the Sum of *One hundred Pounds*, Sterling, the same being Voted to be put into his hands by Mr. Treasurer, as by a Vote of the 11th Currant appears, into the hands of Mr. Agent *Cooke*, to defray the Charges Mr. *Sanderson* has already been at. and what further Charge may arise in the defence of the House against the Complaints in the Governour's Memorial.

Resolved, That the Treasurer be directed to Purchase an Additional Sum of *Three Hundred Pounds* Sterling, to be put into the hands of the Agents for this Province, to be employed for the defence and prolonging of Our CHARTER Privileges, the Expences of which the Agents to be Accomptable for.

Sent up for Concurrence.

Resolved, On the Muster-Roll of Capt. *Joseph Kellogg*, as entred the 13th Currant, That the Sum of *Two hundred forty six pounds, twelve shillings and eleven pence*, be allowed and paid out of the Publick Treasury unto Col. *Samuel Partrigg*, and by him repaid to the Officers and Souldiers born on the within Roll of Capt. *Kellogg*, and any persons that have supplied the Men in part of their Wages; and

that the further Sum of *One hundred fourteen pounds, fifteen shillings*, be allowed and paid out of the Publick Treasury unto the said *Samuel Partrigg*, and by him repaid to the persons that have subsisted the Men inserted in this Roll.

Sent up for Concurrence.

Resolved, That the Sum of *Three Hundred Pounds* be allowed and paid out of the Publick Treasury to His Honour WILLIAM DUMMER Esq, Lieutenant Governour and Commander in Chief of this His Majesty's Province, for His Support in Managing the Affairs of the Government. Sent up for Concurrence by Mr. *Menzeis*, Mr. *Lewis*, Mr. *Epes*, Mr *Pynchon* and Mr. *Shove*.

Resolved, That the Sum of *One Hundred and Forty Pounds* be allowed and paid out of the Publick Treasury to *Josiah Willard* Esq; Secretary of this Province, for his extraordinary Service the Year past, and that the further Sum of *Forty Pounds* be allowed and paid him out of the Publick Treasury in consideration of the Publick Affairs at this Time calling for sundry things to pass that Office, necessarily requiring a more strict Attendance from him to Effect those Matters, many of which have no stated Fee or Allowance. Sent up for Concurrence.

Resolved, That the Sum of *Thirty Pounds* be allowed and paid out of the Publick Treasury to *John Wainwright* Esq; Clerk of the House for his Service the Year Currant. Sent up for Concurrence.

Resolved, That the Sum of *Twenty Pounds* be allowed and paid out of the Publick Treasury to *John Wainwright* Esq; Clerk of the House for his Trouble in preparing the Votes of the House for the Press, and his extraordinary Attendance and Service of the House hapning this present Year in the Recess of the Court.

Sent up for Concurrence.

Resolved, That the Sum of *Five Pounds* be allowed and paid out of the Publick Treasury to *Penn Townsend* Esq; for the Use of the Reverend Chaplain of the Honourable Board. Sent up for Concurrence.

Resolved, That the Sum of *Five Pounds* be allowed and paid out of the Publick Treasury to Mr. *Ezekiel Lewis*, to be delivered to the Reverend Mr. *Joseph Sewall*, with the Thanks of this House for his Service to them.

Sent up for Concurrence. [70]

Resolved, That the Sum of *Thirty Pounds* be allowed and paid out of the Publick Treasury to *John Flagg* Door-keeper to this Court for his extraordinary Service (and his Sons Attendance also included) for half a Year which will end the 26th Currant. Sent up for Concurrence.

Resolved, That the Sum of *Thirty seven shillings and six pence* be allowed and paid out of the Publick Treasury to *John Flagg* Door-keeper, in full of his Account of Charge and Disbursements in the Service of the Province.

Sent up for Concurrence.

Resolved, That Lieut. *John Larraby* of His Majesty's Castle *William*, be and hereby is impowred to Victual the Garrison there, till the further Order of this

Court, and that he be allowed the Sum of *Six shillings per Week per Man* for Victualling said Garrison; and that Mr. Treasurer be directed to Pay and Advance to the said *Larraby* Six Months pay for Victualling said Garrison according to this Establishment, taking Security of him for the true & faithfull performance thereof. Sent up for Concurrence.

Edward Bromfield Esq, brought down the Resolve for supply of the Treasury, pass'd in Council, *viz.* In Council, *Decemb.* 20th 1723. Read and Concurr'd with the Amendment. Sent down for Concurrence. Read and Non-Concurr'd, and the House insist on their own Vote. Sent up for Concurrence.

Then the House Adjourn'd till to Morrow Morning Nine a.Clock.

Sabbati Die 21. Decembris, A. D. 1723.

A Message from His Honour by *Spencer Phipps* Esq; to inquire whether the House have taken into their Consideration the *Indent* for Stores at His Majesty's Garrison at Castle *William*.

Mr. *Phillips* from the Committee appointed to take under consideration the Accompt of the Committee appointed to Effect the Repairs at Castle *William*, and the *Light House*, as entred Yesterday, reported thereon, *viz.*

The Committee having gone through the several Articles of this Accompt find the same right Cast and well Vouch'd, by the particular Accompts there-with presented, are therefore of Opinion, That there be allowed and paid out of the Publick Treasury to the said Committee the Sum of *l. 332 6 s. 10 d.* in full discharge thereof.

Read and Accepted, and *Resolved*, That there be allowed and paid out of the Publick Treasury to *Adam Winthrop* Esq; in behalf of the said Committee, the Sum of *Three Hundred thirty two pounds, six shillings and ten pence*, to be paid to the several persons to whom the same is respectively due, as by said Accompt, in full discharge thereof. Sent up for Concurrence.

Major *Pynchon* from the Committee for Petitions, Reported, *viz.*

On the Accompt of Mr. Sheriff *Winslow*, as entred the 16th Currant, The Committee having examined the within Accompt do find it right Cast and well Vouch'd, and therefore are of Opinion, That the Sum of *l. 13 3 s. 7 d.* be allowed and paid out of the Publick Treasury to the Accomptant *Edward Winslow*, in full discharge of this Accompt. Read and Accepted, and *Resolved*, That the Sum of *Thirteen pounds, three shillings and seven pence*, be allowed and paid out of the Publick Treasury to *Edward Winslow* Esq; in full discharge of this Accompt.

Sent up for Concurrence.

On the Accompt of *Joseph Marion*, as entred the 19th Currant, The Committee are of Opinion, That the particulars within mentioned are reasonably charged and right Cast, and that the Sum of *l. 34 14 s. 6 d.* be paid out of the Publick Treasury

to the Accomptant *Joseph Marion*, in full discharge of this Accompt. Read
 and Accepted, and *Resolved*, That the Sum of *Thirty four pounds, fourteen shillings*
 and *six pence*, be allowed and paid out of the Publick Treasury to the Accomptant
Joseph Marion, in full discharge of this Accompt.

Sent up for Concurrence. [71]

Col. *Dudley* from the Committee for Muster-Rolls Reported on the Muster-
 Roll of the Scout under the Command of *John Blaisdale*, being the *Almsbury*
 Scout, as entred the 18th Currant, The Committee having examined the Muster-
 Roll of Corporal *John Blaisdale*, find it right Cast and well Vouch'd, are therefore
 of Opinion, That the Sum of *l. 41 1 s. 4 d.* be allowed and paid out of the Publick
 Treasury to the Officers and Souldiers born on this Roll; and that the further Sum
 of *l 19 18 s. 8 d.* be allowed and paid out of the Publick Treasury to Mr. *Thomas*
Hoite, and by him repaid to the Persons that have Subsisted the Souldiers in full
 discharge thereof. Read and Accepted, and *Resolved*, That the Sum of *Forty one*
pounds one shilling & four pence be allowed and paid out of the Publick Treasury
 to the Officer and Souldiers born on this Roll, in full discharge of the Wages thereof;
 and that the further Sum of *Nineteen pounds eighteen shillings & eight pence*, be al-
 lowed and paid out of the Publick Treasury to Mr. *Thomas Hoite* and by him re-
 paid to the Persons that have Subsisted the Men in full discharge thereof.

Sent up for Concurrence.

An Accompt of sundry Souldiers in the Service of this Province, being employed
 in Scouting at *Northfield*, by Order of Capt. *Wright*, and Certified by Col. *Par-*
trigg, for Wages and Subsistence. Read, and *Resolved*, That the Sum of *Sixty four*
pounds and nine pence be allowed and paid out of the Publick Treasury to Col
Samuel Partrigg, to be by him repaid to the Persons to whom the same is respec-
 tively due, for the Wages and Subsistence of the above Roll, in full discharge of
 the same. Sent up for Concurrence.

An Accompt of *Richard Hall* for the Expençe of sundry Committees of the
 Court in the Service of the Province. Read, and *Resolved*, That the Sum of *Forty*
pounds eighteen shillings & ten pence, be allowed and paid out of the Publick
 Treasury to the Accomptant *Richard Hall* in full discharge thereof.

Sent up for Concurrence.

An Accompt of *Samuel Tyley* for Writing done in the Service of this Court.
 Read, and *Resolved*, That the Sum of *Eleven pounds seventeen shillings & six pence*,
 be allowed and paid out of the Publick Treasury to the Accomptant *Samuel Tyley*,
 in full discharge thereof. Sent up for Concurrence.

An Accompt of *Benjamin Rolfe* for Writing done in the Service of this Court.
 Read, and *Resolved*, That the Sum of *Seven pounds five shillings* be allowed and
 paid out of the Publick Treasury to the Accomptant *Benjamin Rolfe* in full dis-
 charge thereof. Sent up for Concurrence.

A Petition of sundry Inhabitants of the Town of *Medfield*, &c. praying, That

the Grant of a certain Tract of Land lying between *Oxford, Brookfield, Brimfield*, and the Province Land, may be made to them in order for making a Township, as particularly set forth in the Petition. Read, and referred to *May* Session for further Consideration.

A Bill Entituled, *An Act to revive the Appeal of Benjamin Blackstone from a Judgment recovered against him at an Inferiour Court held at Salem on the last Tuesday of June last by George Felt of Salem aforesaid, Blockmaker.* Read a Third time, and *Resolved*, That the Bill pass to be Engross'd.

Sent up for Concurrence.

Benjamin Lynde, Esq; brought down a Bill Entitled, *An Act in addition to an Act for preventing Abuses in Distilling Rhum and other Strong Liquors with Leaden Heads or Pipes.* Made and Pass'd at a Session of this Court in *August* past. Pass'd in Council, *viz.* Read Three several times, and pass'd a Concurrence, with the Amendments. Sent down for Concurrence. Read & Concurr'd.

Edmund Quincy and *Spencer Phipps*, Esqrs; brought down the Resolve for Supply of the Treasury, pass'd in Council, *viz.* In Council *December 21st 1723.* Read and Non-Concurr'd, and the Board insist on their own Vote.

Sent down for Concurrence.

Adam Winthrop, Samuel Thaxter, and John Turner, Esqrs; brought down an humble Address to be presented to His Most Excellent MAJESTY in the Name of this Court, which was Read twice, with the References thereto belonging, and *Voted* a Concurrence with the Honourable Board on the same,

Sent up. [72]

Voted, That a Message be sent up to His Honour and the Honourable Board to acquaint them that the House desire to sit this Afternoon, in Order to finish the Business of the Session. Sent up by Col. *Dudley*, Capt. *Nowell*, Mr. *Phillips*, Mr. *Perkins*, Mr. *Shove*, Mr. *Johnson*, and Mr. *Sanders*.

Ordered, That *Joseph White*, Esq; go up with a Message to the Honourable Board, to enquire if any thing be likely to come down from them. Who returned, That His Honour said, They would presently send down an Answer.

A Message from His Honour by *Samuel Thaxter*, Esq; That His Honour desires to know if the House are minded to sit this Afternoon.

Voted, That Col. *Stoddard*, Mr. *Lewis*, Mr. *Shove*, Mr. *Little*, and Capt. *Rolfe*, be a Committee to Project and Prepare some proper Resolve for Supply of the Treasury, and make Report thereon as soon as may be.

Then the House Adjourned till Monday next at Three a-Clock Afternoon.

Lunæ Die 23. Decembris, A. D. 1723.

COL. *Stoddard* from the Committee appointed to prepare a Resolve for Supply of the Treasury, made Report accordingly: Whereupon the following Resolve past, *viz.*

In the House of Representatives, *December 23d 1723.*

Pursuant to the Direction in the Royal CHARTER, in that Clause or Paragraph Impowring the General Court to Impose & Levy proportionable & reasonable Assessments, Rates & Taxes.

Resolved, That the Treasurer be and hereby is directed to Issue forth and Emit the Sum of *Twenty five Thousand Pounds* in Bills of Credit, for the necessary Defence and Support of this Government; and the Protection and Preservation of the Inhabitants thereof; to be Issued out, and Disposed of by Warrant under the hand of the Governour or Commander in Chief for the Time being, with the Advice and Consent of the Council; all which Sum shall be applied for the Uses, Intents and Purposes in this Act hereafter expressed, *viz.* For the Payment of all Grants, Premiums and Stipends established by Law, for the defraying and paying the Charges of Castle *William*, and other Forts and Garrisons, Transports, Muster-Rolls of Souldiers, Sailors and Seamen, Allowances; and all other Accompts of Charges allowed and passed on for Payment by this Court; and for other Accompts of incidental Charges arising in the Recess of the Court that demand prompt Payment. Provided such Accompts of Incident Charges exceed not the Sum of *One Thousand Pounds* (part of the *Twenty five Thousand Pounds* aforesaid) and the Warrant by which such Drafts are made do express and make mention of the Sum of *One Thousand Pounds* aforementioned. And the said Bills shall pass out of the Treasury at the Value therein expressed, Equivalent to Money, and shall be so accepted and taken in all Publick Payments. And that the Duties of Impost and Excise, shall be a Fund and Security for the Repayment and Drawing in the said Bills into the Treasury again as far as that will reach.

And as a further Fund and Security for the same, It is *Resolved*, That there be and hereby is granted unto *His Most Excellent MAJESTY* for the Ends and Uses aforesaid, and for no other Ends or Uses whatsoever, a Tax of *Seven Thousand Pounds* to be Levyed upon Polls and Estates, both Real and Personal within this Province, according to such Rules and in such Proportion upon the several Towns and Districts within the same, as shall be agreed on and Ordered by the Great and General Court or Assembly of this Province, at their Session in *May*, *One Thousand seven hundred and Twenty four*, and paid into the Publick Treasury, on or before the last Day of *December* next after. [73]

And that the further Sum of *Seven Thousand Pounds* be Levyed upon Polls and Estates both Real and Personal within this Province, according to such Rules and

in such Proportion on the several Towns and Districts within the same, as shall be agreed on and Ordered by the Great and General Court or Assembly of this Province, at their Session in *May* One Thousand seven hundred and Twenty five, and paid into the Publick Treasury on or before the last Day of *December* next after.

And that the further Sum of *Seven Thousand Pounds* be Levyed upon Polls and Estates both Real and Personal within this Province, according to such Rules, and in such Proportion on the several Towns and Districts within the same, as shall be agreed on and Ordered by the Great and General Court or Assembly of this Province, at their Session in *May* One Thousand seven hundred and Twenty six, and paid into the Publick Treasury on or before the last Day of *December* next after.

And that the further Sum of *Four Thousand Pounds* being the remainder of the aforesaid Twenty five Thousand Pounds, be Levyed upon Polls and Estates, both Real and Personal within this Province according to such Rules and in such Proportion upon the several Towns and Districts within the same, as shall be agreed on and Ordered by the Great and General Court or Assembly of this Province at their Session in *May* One Thousand seven hundred and Twenty seven, and paid into the Publick Treasury on or before the last of *December* next after.

Sent up for Concurrence.

Benjamin Lynde, Esq; brought down two Engross'd Bills, *viz.*

An Engross'd Bill Entitled, *An Act to enable Capt. Josiah Winslow and his Son Josiah Winslow and Elisha Blackman to Contest in the Law at the next Superiour Court of Judicature to be holden at Bristol, within and for the County of Bristol, The Validity of a Rule of Court by them entred into, The Award of the Referrees; and the Judgment of the said Court thereupon.*

Read, and *Resolved*, That the Bill pass to be Enacted.

An Engross'd Bill Entitled, *An Act to enable Isaac Little of Marshfield in the County of Plymouth, Esq; to bring forward a Writ of Review against Joseph Mallinson of Boston in the County of Suffolk Merchant; and to enable the said Joseph Mallinson to bring forward a Writ of Review against the said Little, at the next Superiour Court of Judicature to be holden at Plymouth on the last Tuesday of April next, of a Judgment of the Superiour Court holden at Plymouth on the last Tuesday of April 1720.*

Read, and *Resolved*, That the Bill pass to be Enacted.

Ordered, That a Message be sent up to the Honourable Board, to inquire if the Commission and Instructions for the Agents of the Province are drawn out, and that the House desire they may be sent down.

Ordered, That *Capt. Rolfe* go up to the Board and desire they would send down the Accompt of *Dr. George Pemberton*.

Samuel Thaxter, Esq; brought down the said Accompt. Which was Read. And *Resolved*, That the Sum of *Twenty three pounds twelve shillings* be allowed and

paid out of the Publick Treasury to the Accomptant Dr. *George Pemberton* in full discharge thereof. Sent up for Concurrence.

Then the House Adjourn'd till to Morrow Morning Nine a-Clock.

Martis Die 24. Decembris, A. D. 1723.

E*dward Bromfield, Esq;* brought down an Engross'd Bill Entitled *An Act in addition to An Act for preventing Abuses in Distilling Rhum and other Strong Liquors with Leaden Heads or Pipes.* Made and Pass'd at a Session of this Court in *August* last. Read and *Resolved*, That the Bill pass to be Enacted.

An Engross'd Bill Entitled, *An Act in further addition to the Act for the more effectual Providing for the Support of Ministers.*

Read, and *Resolved*, That the Bill pass to be Enacted. [74]

An Accompt sign'd *Luke Smith* for Meals for sundry Men returning from *Northfield* and *Sunderfield*. Read, and referred to *May* Session.

Voted, That a Message be sent up to His Honour and the Honourable Board, to acquaint them, that the House have no Business before them, and very earnestly desire they may Rise. Sent up by Col. *Stoddard*, Mr. *Choate*, Mr. *Jennings*, Mr. *William White*, and Mr. *Southworth*.

A Memorial of Col. *Partrigg* setting forth, That for the Service of the Province in the County of *Hampshire*, he raised sundry Companys and Scouts in said County, who Marched out for the Relief of *Northfield* and other places when in Danger, praying, That Pay and Subsistence may be allowed them for the Reasons therein mentioned. Pass'd in Council, *viz.* In Council, *Decemb. 23d 1723.* Read and sent down Recommended. Read, and referred to *May* Session for further Consideration.

Paul Dudley, Esq; brought down an Engross'd Bill Entitled, *An Act for taking off the Entail on certain Estates in the County of Essex, late the Estates of Nathaniel Saltonstall of Haverhill in the County of Essex, Esq; Deceased, which he was siezed of as Tenant in Tail.* Read, and *Resolved*, That the Bill pass to be Enacted.

Ordered, That a Message be sent up to His Honour and the Honourable Board to desire the Commission and Instructions for the Agents for the Province may be sent down.

An Accompt of Col. *Thaxter* for a Number of Spoils to Effect the Repairs at His Majesty's Castle *William* supply'd by Order. Read, and *Resolved*, That the Sum of *Thirty nine pounds nine shillings & two pence* be allowed and paid out of the Publick Treasury to Col. *Samuel Thaxter* in full discharge of said Accompt.

Sent up for Concurrence.

Ordered, That a Message be sent up to the Honourable Board, to enquire if they have pass'd on the Petition and Proposals of sundry of the Inhabitants of *Andover*, *Bradford* and *Haverhill* for making a Settlement, and Building and Support-

ing a Block-House and Men therein, &c. Sent up by Capt. *Nowell*. Who return'd, That the Vote of the House was Non-Concurr'd.

A Message from His Honour by Col. *Wheelwright* to know if the House had pass'd on the *Indent* for Stores at Castle *William*.

Mr. Speaker informed him, That the House as yet had not pass'd thereon.

Samuel Sewall, Penn Townsend, Thomas Fitch and *Samuel Thaxter*, Esqrs; brought down the Resolve for Supply of the Treasury. Pass'd in Council, *viz.* In Council, *Decemb.* 24th 1729. Read and Concurr'd with an Amendment.

Sent down for Concurrence. Read & Non-Concurr'd.

Edward Bromfield, Esq; brought down the Report of the Committee of both Houses, appointed to consider of some Methods for the preventing the passing of base and mixed Metal, &c. Pass'd in Council, *viz.* In Council *Decemb.* 24th 1723. Read, and not Accepted. And Ordered, That a Bill be brought in to prevent all Persons under certain Penalties to Utter and Pass any pieces of base and mixed Metal as a Medium in Trade, &c. Sent down for Concurrence. Read & Concurr'd with the Amendment, *viz.* *That a Bill be brought in the next May Session.* Sent up for Concurrence.

Post Meridiem.

Resolved, That the Sum of *One Hundred Pounds* be allowed and paid out of the Publick Treasury to Mr. Agent *Cooke*, to enable him to Embark, and furnish himself with Necessaries for his Voyage for *Great Britain* in the Service of the Agency, he to be Accomptable for the same. Sent up for Concurrence.

Ordered, That a Message be sent up to the Honourable Board by Mr. *Stone*, to inquire whether they have pass'd on the Resolve for an Additional Sum of *l.* 300 Sterling for the Use of the Agency. [75]

The Resolve for Supply of the Treasury brought down this Morning with the Vote of Council thereon, Read again: And the House insist on their own Vote; *For that after mature Consideration being had on the said Resolve*, The House are truly of opinion, That the same is agreeable to the Rules and Directions prescribed in the Royal CHARTER, for the General Courts imposing and levying Rates and Taxes; and so cannot but think it highly reasonable, That as the People whom We Represent, are by the said Resolve obliged to pay the Sum granted, the Appropriation thereof is what the House justly claim, and have been in the practice of: And the House being well satisfied, That they have herein done their Duty by Ordering a sufficient Sum for Payment of the Publick Debts, agreeable to the Powers and Privileges they hold by the Royal CHARTER; so they cannot in Justice to themselves, nor Faithfulness to their Principals, recede from the said Resolve; but desire the Honourable Board would reconsider their Vote, that so a speedy and an happy Conclusion may be put to the Session. Sent up.

Benjamin Lynde Esq; brought down an Engross'd Bill, Entitled, *An Act to revive the Appeal of Benjamin Blackstone from a Judgment of an Inferiour Court of Common Pleas recovered against him the last Tuesday of June last past, at Salem, by George Felt of Salem aforesaid, in the County aforesaid Blockmaker.*

Read and *Resolved*, That the Bill pass to be Enacted.

Voted, That the Instructions sent to Mr. Agent *Dummer* from this Court the 16th of *July*, and 23d of *August* 1720. referring to the Line between this Government and the Government of *New-Hampshire*, be given as Instructions to the joynt Agents for the Province, That they use the same with the several Copies and Draft of *Merrimack* River therein referr'd to, according to their best discretion, for the settling and fixing the Line between Us and the said Government of *New-Hampshire*. Sent up for Concurrence.

Inasmuch as this Court have Ordered Mr. Treasurer Allen to furnish Mr. Speaker Clark with 1 100 Sterling to be employ'd for the Service of the Province, as the House should direct, which Sum may very probably prove too small and insufficient for the Ends proposed: Therefore Resolved, That the Treasurer be further directed to furnish Mr. Speaker *Clark* with an Additional Sum of *One Hundred Pounds* Sterling, to be employed in the Service, and according to the directions aforesaid.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a-Clock.

Mercurij Die 25. Decembris, A. D. 1723.

Resolved, That the Sum of *Three Hundred Pounds* be allowed and paid out of the Publick Treasury to *Jeremiah Dummer Esq;* or his Order, for his Purchasing the Statute Books, and other Charges mentioned in his Letter of *March* 16th 1722. in full discharge of the particulars therein named, and all other demands for his past Service and Expences as Agent.

Sent up for Concurrence by Mr. *Johnson*.

Voted, That a Message be sent up to His Honour and the Honourable Board, to desire that the Commission and Instructions for the Agents may be sent down to the House. Mr. Secretary brought down the same. Read.

Major *Pyncheon* from the Committee for Petitions, Reported, On an Accompt of Capt. *John Penhallow* for disbursments, &c. The Committee having examined the within Accompt, find it right Cast and well Vouch'd, are therefore of Opinion, That the Sum of *l. 7 1 s. 6 d.* be allowed and paid out of the Publick Treasury to the Accomptant Capt. *John Penhallow*, in full discharge thereof. Read and Accepted, and *Resolved*, That the Sum of *Seven pounds one shilling and six pence*, be allowed and paid out of the Publick Treasury to Capt. *John Penhallow*, in full discharge of said Accompt. Sent up for Concurrence. [76]

An Accompt of a Scout of Six Men at *Brookfield*, with their Subsistence. Read

and *Resolved*, That the Sum of *Fifty two pounds four shillings and four pence*, be allowed and paid out of the Publick Treasury to *Joseph Jennings Esq*; to be by him repaid to the Souldiers named in the Accompt, and the persons that have subsisted them, in full discharge of the Wages and Subsistence thereof.

Sent up for Concurrence.

Post Meridiem.

Two Accompts of Mr. *Benjamin Eliot* for Paper, Quills, Laws, &c. delivered to the Council, and House of Representatives. Read.

Samuel Partrigg and *Samuel Thaxter Esqrs*; brought down the Resolve for supply of the Treasury, pass'd in Council, *viz.* In Council, *December 25th 1723*. Read and the Vote for supply of the Treasury being reconsidered, The Board insist on their Amendment. Sent down for Concurrence. Which accompanied a Message in Writing in the words following, *viz.*

In Council, *December 25th 1723*.

The Board having, in Compliance with the desire of the Honourable House in their Message of Yesterday, again taken into Consideration the Resolve for supply of the Treasury, do find themselves more than ever obliged to insist on their Amendment; For that the further We compare it with the Rules and Powers of the Royal CHARTER, the more consonant We find it there-unto, The Clause for Raising of Taxes being in these Words, "We do Give and Grant, &c. That the General Court or Assembly "shall have full Power and Authority to Impose and Levy proportionable and "reasonable Assessments, Rates and Taxes upon the Estates and Persons of all "and every the Proprietors or Inhabitants of Our said Province or Territory, to "be issued and disposed of by Warrant under the Hand of the Governour of Our "said Province, for the Time being, with the Advice and Consent of the Council, "for Our Service in the necessary Defence and Support of Our Government of Our "said Province or Territory, and the Protection and Preservation of the Inhabit- "ants there, according to such Acts, as are or shall be in Force within Our said "Province."

Now for the House to argue, That because the General Court have Power to impose and levy Taxes, and the People are obliged to pay the Sum granted, Therefore they may justly claim the Appropriating and Restricting thereof in such a Manner as in the said Resolve is express'd, Is an Inference so strange and foreign, as no rational Construction of the Words will allow; Whereas the Amendment made by the Board will be found upon due Examination not only to correspond with the Words of the CHARTER, and the manifest Intention thereof, but also best to Serve the true Interest of the Province; And if an Argument in this Case is to be drawn from Practice, the Board have vastly the Advantage on their side, for the like Method to what is now proposed by the Council has been practiced

upon for near Twenty Years together, with much Advantage and Safety to the Province; Whereas the Method now offered by the House for the supply of the Treasury has been but very lately introduced, and that with great Reluctance on the Part of the Board, As fore-seeing the unavoidable Difficulties in which it would involve the Publick Affairs of the Government, The Truth of which by Experience has been since confirmed.

It has been always observable, That the Stability and Safety of all Governments does consist in each constituent Part's Enjoying and Exercising the Rights and Powers vested in them respectively by the Constitution; And when ever one part has wrested the same from the other, it has proved very detrimental if not subversive of the whole.

It is very surprizing to the Board to observe the Message from the House in such Terms as these, "That they had done their Duty by Ordering a sufficient Sum for Payment of the Publick Debts Agreeable to the Powers and Privileges they hold by the Royal CHARTER." Whereas by a due Inspection of the CHARTER it will be found, That the Powers & Privileges therein contained are not vested in the House singly and distinctly consider'd, but joyntly in the General Court. And whereas the [77] House so frequently make Mention of their Faithfulness to their Principals; If thereby they mean the People of this Province, The Council have on all Occasions had and exercised as great a Concern for their Safety and Welfare as the House; And from a due Regard thereto, as well as from a Desire always to act in Conformity to the Directions of the CHARTER, The Board think themselves obliged to insist on their Amendment.

The Council cannot but hope, That the Reasons here offer'd will prevail with the Honourable House to concur with Our Amendment, But if it should prove otherwise, We being earnestly desirous that both Houses may come to a good Understanding and Agreement in this important Affair, do propose a Conference either by the whole Court or between Committees of each House, to be had as speedily as may be.

J. Willard, Secr.

Voted, That a Message be sent up earnestly to desire His Honour the Lieutenant Governour to Prorogue the Great and General Court, and at the next Meeting thereof to direct, That every Member of the Honourable Board give their Attendance, that so the whole Court may agree on some suitable Manner to supply the Treasury.

The House of Representatives do in a solemn Manner declare, That they have done what is honourable, safe and convenient for them to do in Order to have the Treasury supply'd with a sufficient Sum of *Money* to pay the Publick Debts contracted, and which have been passed on and Ordered to be paid, and therefore if any Inconvenience or Mischief happen either to the Subjects in not having their just Dues, or the Government in not paying their just Debts, The Blame thereof cannot be imputed to them, or laid to the Representative Body of this People; and

the House think themselves in Duty bound to make this Declaration, and to Publish the same, that so the People of the Province whom they Represent, may thoroughly be acquainted herewith.

An Accompt of *John Negus* Chyrurgeon, amounting to *l. 21 8 s. 7 d.* Read and Resolved, That the Sum of *Twenty one pounds, eight shillings and seven pence*, be allowed and paid out of the Publick Treasury to Dr. *John Negus*, in full discharge of this Accompt. Sent up for Concurrence.

Mr. *Benjamin Eliot's* Accompts Read again, and Resolved, That the Sum of *Thirty pounds four shillings and eight pence*, be allowed and paid out of the Publick Treasury, and the further Sum of *Twenty one pounds, two shillings and four pence*, be also allowed and paid out of the Publick Treasury to the Accomptant *Benjamin Eliot*, in full discharge of the said Accompts. Sent up for Concurrence.

An Accompt signed *Joseph Jennings* for subsisting Two Souldiers Read and Resolved, That the Sum of *Six pounds three shillings*, be allowed and paid out of the Publick Treasury to the said *Joseph Jennings* for the Service of the Reverend Mr. *Cheney*, who subsisted the Two Men, in full discharge thereof.

Sent up for Concurrence.

An Accompt of the *Brimfield* Scout and their subsistence, sign'd *Samuel Partrigg*, Read and Resolved, That the Sum of *Forty two pounds, three shillings and ten pence*, be allowed and paid out of the Publick Treasury unto *Samuel Partrigg* Esq; and by him repaid to the several Souldiers above-named, in full discharge of this Accompt for Wages and Subsistence of said Scout.

Sent up for Concurrence.

The House proceeded to consider of the absent Members for their delinquency in not Attending their Duty in the House. And Resolved, That Mr. *Thomas Clarke* pay a Fine of *Three pounds* for his absence Twelve Days, and that upon Mr. *Little's* paying the Sum of *Thirty shillings* he is excused from said Fine. Resolved, That Mr. *Thomas Manchester* pay a Fine of *Five pounds* to the Clerk of the House for his absence this Session. Mr. *William White* paying *Fifty shillings*. Voted, That the said Mr. *Thomas Manchester* be excused from the abovesaid Fine, upon his reimbursing the said *Fifty shillings* to Mr. *White*. [78]

Col. *Dudley* from the Committee for Muster-Rolls, reported, On the Muster-Roll of Capt. *Daniel Pecker*, which was Read and Accepted, and accordingly Resolved, That the Sum of *Two hundred and twelve pounds, six shillings and eleven pence*, be allowed and paid out of the Publick Treasury unto Capt. *Daniel Pecker*, and by him repaid unto the Officers and Souldiers born on this Roll, in full discharge of the Wages and Subsistence thereof, excepting what Stores and Subsistence Mr. Treasurer has already advanced. Sent up for Concurrence.

Resolved, That the Sum of *Fifty Pounds* be allowed and paid out of the Publick Treasury to *William Payne* Esq; in order to satisfie the Labourers for Railing the

Way over *Boston-Neck*, and to pay for the Posts and Rails used therein, he to be accomptable to this Court therefor. Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Nine a.Clock.

Jovis Die 26. Decembris, A. D. 1723.

A Message from His Honour by Mr. Secretary, viz.
Gentlemen of the House of Representatives.

I have considered your Message desiring me to Prorogue the Court, and have asked the Opinion of the Council thereupon, who are of Advice, That a Prorogation is not expedient at this Juncture; I shall send for the Councillours that are absent forthwith to Attend His Majesty's Service in the General Assembly, and I desire you would direct all your absent Members to Attend without delay.

Decemb. 25th 1723.

WM. DUMMER.

A Message from the Board by *Samuel Partrigg* and *John Wheelwright* Esqrs, viz. Voted, That a Message be sent down to the Honourable House to enquire, Whether they have considered the Proposal of the Board made to them Yesterday afternoon for a Conference on the Vote for supply of the Treasury, if they have not, The Board desire they would speedily consider it and give Answer thereto.

J. Willard Secr.

Voted, That the last Resolve for supply of the Treasury be reconsidered.

Voted, That the House insist on the said Resolve with the following Amendments, viz. Dele from *Allowed & passed on, &c.* to ——— *prompt payment*, ——— and add ——— *other Accompts of Incident Charges that necessarily demand payment in the Recess of the Court*, ——— dele ——— *One Thousand* ——— and add, *Five Hundred*. Sent up for Concurrence.

Post Meridiem.

A Muster-Roll of the Sloop Sea Flower *Simon Slocum* Master, amounting to the Sum of *l. 112 14 s. 2 d.* Read and *Resolved*, That the Sum of *One hundred and twelve pounds, fourteen shillings and two pence*, be allowed and paid out of the Publick Treasury unto the said *Simon Slocum* for his and the Sailors Wages born on this Roll, and for Sloop hire, in full discharge of this Muster-Roll.

Sent up for Concurrence.

Benjamin Lynde Esq; brought down the Resolve for supply of the Treasury, pass'd in Council, viz. In Council, *December 26th 1723.* Read and Concurr'd with the Amendments. Sent down for Concurrence.

Read and Non-Concurr'd.

Penn Townsend Esq; brought down the Vote for supplying the Agency with *Three Hundred Pounds Sterling*, passed the 20th Current, pass'd in Council, viz.

In Council, *December 26th 1723.* Read and Concurr'd with the Amendment, *viz.* the words, *to this Court*, to be added to said Vote.

Sent down for Concurrence. Read and Concurr'd. [79]

A Message from the Board by *Samuel Sewall, Addington Davenport* and *Thomas Fitch*, Esqrs; to desire the House would further consider the Allowance made to *Jeremiah Dummer*, Esq; Voted Yesterday. Who also brought down the said Vote.

A Message from the Board by *Edmund Quincy* and *Samuel Thaxter*, Esqrs; to know if the House had pass'd on the last Amendments made by the Council on the Resolve for Supply of the Treasury.

Mr. Speaker informed them the Vote of Council was Non-Concurr'd.

A Message from His Honour by Mr. Secretary, *viz.* That His Honour had advised with the Council, concerning an Adjournment desired by the House, and that the Council had advised to the contrary.

In the House of Representatives, *December 26th 1723.*

Pursuant to the Direction of the Royal CHARTER, in that Clause or Paragraph Impowring the Great & General Court or Assembly to Impose & Levy reasonable Assessments, Rates & Taxes.

Resolved, That the Treasurer be and hereby is directed to Issue forth and Emit the Sum of *Twenty Thousand Pounds* in Bills of Credit; to be Issued and Disposed of by Warrant under the hand of the Governour or Commander in Chief for the Time being, with the Advice and Consent of the Council; for the necessary Defence and Support of this Government; the Protection and Preservation of the Inhabitants thereof, according to such Acts, Orders and Resolves of this Court as are now in Force, or that shall be made this present Session; And the Bills shall pass out of the Treasury at the Value therein expressed Equivalent to Money, and shall be so taken and accepted in all Publick Payments.

And that the Duties of Impost and Excise, shall be a Fund and Security for the Repayment and Drawing in the said Bills into the Treasury again so far as that will reach.

And as a further Fund and Security for the same, It is further *Resolved*, That there be and hereby is granted unto *His Most Excellent MAJESTY* for the Ends and Uses aforesaid, and for no other Ends or Uses whatsoever, a Tax of *Six Thousand six hundred and sixty six Pounds thirteen Shillings & four Pence*, to be Levied upon Polls and Estates, both Real and Personal within this Province, upon the several Towns and Districts within the same, according to such Rules and in such Proportion as shall be agreed on and Ordered by the Great and General Court or Assembly of this Province, at their Session in *May*, One Thousand seven hundred and Twenty four, and paid into the Publick Treasury, on or before the last Day of *December* next after.

And that the further Sum of *Six Thousand six hundred & sixty six Pounds thirteen Shillings & four Pence* be Levyed upon Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportion upon the several Towns and Districts within the same, as shall be agreed on and Ordered by the Great and General Court or Assembly of this Province, at their Session in *May* One Thousand seven hundred and Twenty five, and paid into the Publick Treasury on or before the last Day of *December* next after.

And that the further Sum of *Six Thousand six hundred & sixty six Pounds thirteen Shillings & four Pence* be Levyed upon Polls and Estates, both Real and Personal within this Province, upon the several Towns and Districts within the same, according to such Rules, and in such Proportion as shall be granted and agreed on by the Great and General Court or Assembly of this Province, at their Session in *May* One Thousand seven hundred and Twenty six, and paid into the Publick Treasury on or before the last Day of *December* next after.

Then the House Adjourn'd till to Morrow Morning Nine a-Clock. [80]

Veneris Die 27. Decembris, A. D. 1723.

THE Resolve for Supply of the Treasury as Entred last Night, Read again. And the Question was put, *Whether the said Resolve should be reconsidered?* It pass'd in the Negative.

The said Resolve sent up for Concurrence by Mr. *Gerrish*, Mr. *Fish*, Mr. *Perkins* and Mr. *Sayward*.

The Vote of the House brought down last Night, for paying *Three hundred Pounds* to Mr. Agent *Dummer*, Read. And the Question was put, *Whether any Addition shall be made to the said Sum?* It pass'd in the Negative.

Voted, That Mr. Speaker and Mr. *Lewis* discourse with Mr. Treasurer, in order to inform the Court the most advisable way to lodge the Money in *England*, which has been Voted for the Agency; and make Report thereon as soon as may be.

Voted, That a Message be sent up to the Honourable Board to enquire if any thing be likely to come down this Forenoon. Sent up by Mr. *Shove*.

A Message from the Board by *Samuel Partrigg*, Esq; That nothing would be sent down this Forenoon.

Post Meridiem.

Whereas in this Time of War there may be a Necessity of paying some Incident and unforeseen Charges of this Government, for the Payment whereof no Provision is already made in the Resolve for Supply of the Treasury, Pass'd the Session of the General Court. Wherefore

Voted, That the Treasurer be and hereby is directed to pay the Sum of *Five*

Hundred Pounds in Bills of Credit of this Province, part of the Sum of *Twenty Thousand Pounds* Ordered to be emitted this Session, to be Issued and disposed of according to the Orders under the Hand of the Governour or Commander in Chief for the Time being, with the Advice and Consent of the Council, for the discharging and paying any necessary and unforeseen Expences and Accompts of Charge that may require prompt Payment.

Sent up for Concurrence by Mr. Stoddard, Mr. Tay, and Mr. Shove.

An Accompt of *Grove Knowles, Armourer* to the Forces Eastward, Certified by Mr. Treasurer amounting to *l. 34 10 s.* Read, and *Resolved*, That the Sum of *Thirty four pounds ten shillings* be allowed and paid out of the Publick Treasury to the said *Grove Knowles*, in full discharge of this Accompt.

Sent up for Concurrence.

Whereas Mr. Treasurer Allen is directed by Orders of this Court to furnish Elisha Cooke & Jeremiah Dummer, Esqrs; Agents for this Province with Bills of Exchange to the Value of Five Hundred Pounds Sterling; and Bills of Exchange being scarce,

Voted, That the Treasurer be and hereby is allowed and impowered to take such Methods as he shall think best, to supply the said Agents with the aforesaid Sum of *Five Hundred Pounds* Sterling, either by purchasing a Ship or Vessel, or shipping such Goods as may be thought best, and most for the Benefit of this Province, Consigning them to Messieurs *James Allen & Francis Wilks* Merchants in *London*; and ordering the Effects thereof to be paid to the said Agents or their Order, or by giving Letters of Credit to the said Agents, to enable them to take up such Sums of Money for the Service aforesaid, as they shall find necessary to make up the said Sum of *Five Hundred Pounds*, if it be wanted: And that the Treasurer be further directed and authorized to take such Methods for supplying *Elisha Cooke, Esq;* with the Sum of *l. 200* Sterling, already allowed by this Court, and directed to be put into the hands of Mr. Speaker *Clark*.

Sent up for Concurrence. [81]

An Accompt of Ferrying two Troops over *Merrimack* River at *Haverhill*, amounting to *52 s. 6 d.* Read, and *Resolved*, That the Sum of *Two pounds twelve shillings & six pence* be allowed and paid out of the Publick Treasury to Mr. *John Sanders* in full discharge of this Accompt. Sent up for Concurrence.

A Petition of *Christopher Osgood*, praying for Relief against a Judgment of the Court of General Sessions of the Peace for the County of *Middlesex*, for pulling down the said *Osgood's* Mill Damm. Read, and *Ordered*, That Mr. *Edward White*, Mr. *Joseph Hale*, and Mr. *Joseph Gerrish*, be a Committee to view and consider the said Mill Damm, in the Petition mentioned, and make Report to this Court in *May* next their opinion, whether the said Damm does obstruct the passage of the Fish up *Concord* River; or whether a sufficient Course or Passage for the Fish through the said Damm may not be left, without intirely demolishing the same.

Sent up for Concurrence.

Edward Bromfield, Esq; brought down a Petition of *Samuel Comestock*, praying, that he and his Associates may not be prejudiced by a Paragraph of a Vote of this Court pass'd the last *May* Session, declaring a Grant of a certain Tract of Land therein mentioned to be within the Township of *Mendon*. Pass'd in Council, *viz.* In Council, *Decemb.* 27th 1723. Read. And in Answer to this Petition, Resolved, That these Words in the Order on the Petition of *Samuel Comestock* passed in *May* last, *viz.* ("*Which is in the Township of Mendon*") comprehended in a *Parenthesis*, do no ways affect the Right or Title of the Petitioner and his Associates to the Nine hundred Acres of Land, or determin in the Law, that the said Lands are Scituated within the Township or Grant of *Mendon*.

Sent down for Concurrence. Read and Non-Concurr'd.

Voted, That a Message be sent up to the Honourable Board to enquire if they have pass'd on the Vote of the House to direct Mr. Treasurer *Allen* in purchasing Sterling Money for the Agency. Sent up by Mr. *Lewis* and Capt. *Rolfe*.

Voted, That a Message be sent up to the Honourable Board, to acquaint them that this House have nothing before them, and desire if the Honourable Board have any Business before them that they will please to expedite it, that so the Court may rise this Night.

A Message from the Board by *Penn Townsend*, *Samuel Patrigg* and *Thomas Fitch* Esqrs; with Mr. Secretary, to inform the House, That the Board have Non-Concurr'd the last Resolve or Vote for the Treasurer to pay *Five Hundred Pounds*, part of the *l.* 20,000 for that the Board apprehend there was no need thereof, sufficient Provision being made in the Resolve of the *Twenty Thousand Pounds* for Supply of the Treasury.

A Message from His Honour by Mr. Secretary, *viz.* Mr. Speaker, His Honour the Lieutenant Governour directs this House immediately to attend him in the Council Chamber.

Mr. Speaker and the House went up accordingly.

And Mr. Secretary said, It was His Honour's Pleasure, That this Great and General Court or Assembly should be Prorogued to Wednesday the Twenty sixth Day of *February* next, at Ten of the Clock in the Morning; and then Mr. Secretary declared, That the said Great and General Court or Assembly was Prorogued to Wednesday the Twenty sixth Day of *February* next, at Ten of the Clock in the Morning.

E R R A T U M, Page 36 line 4 after the Word *rendred*, add, *in a great Measure*.

B O S T O N: Printed by *B. Green* and *S. Kneeland*, Printers to the
Honourable House of Representatives. 1723.

Anno Regni Regis G E O R G I J, nunc Magnæ Britanniæ,
Franciæ et Hiberniæ, &c. Decimo.

JOURNAL

Of the House of
Representatives.

At a Great and General Court or Assembly of His Majesty's Province of the ~~Massachusetts Bay~~ in ~~New-England~~, Begun and Held at ~~Boston~~, upon Wednesday the 29th. Day of ~~May~~, Anno Domini, 1723. And continued by several Prorogations to Wednesday the Twenty-second Day of ~~April~~, Anno Domini, 1724, and then Met, being the Fourth Session of the said Court.

A Quorum of the House appearing, Mr. Speaker Communicated Two Letters, dated *Whitehall, Feb. 26th. 1723, 4.* One from Mr. *Anthony Sanderson*, the other from Messieurs *Elisha Cooke Esq;* and the said Mr. *Sanderson*, Agents for this House inclosing a Copy of their Petition to the King's Most Excellent Majesty, for a Hearing before His Majesty in Council, to make Answer to the Complaint exhibited against them by Governour *Shute* in his late Memorial to His Majesty; with several other Papers referring to said Memorial and Answer. Read.

A Message from His Honour the Lieutenant Governour by Mr. Secretary, *viz.*

Mr. Speaker, His Honour the Lieutenant Governour directs this Honourable House forthwith to Attend him in the Council Chamber. Mr. Speaker and the House went up accordingly, and His Honour made a Speech, of which Mr. Speaker obtained a Copy, and then with the House returned to their own Chamber.

His Honour's SPEECH is as follows,

GENTLEMEN,

*I*T's by the Advice and at the Desire of the Council that We are met at this Time, that the Treasury may be so furnished as to Answer the present Important Demands for the Defence of the Province and Support of the Government; and since a few Days will determine the Being of this Court, I should not have proposed any further Business, had not the late frequent Escapes made from His Majesty's Goal in Boston of persons committed for Capital Offences & especially that of the person Committed during your last Session for Counterfeiting Great Numbers of our Bills of Credit, demanded some Speedy and Effectual remedy, wherefore I cannot but recommend it as worthy of your Care, for it will be in vain the best of Laws are made, while the Execution of them shall be thus Evaded.

Wm. DUMMER. [2]

Ordered, That Mr. *Lewis*, and Capt. *Chambers* be directed to make inquiry into the State of the Treasury, and report thereon to the House.

A Bill Entituled, *An Act in Addition to the Act for holding Special Courts of Assize and General Goal Delivery.* Read a first Time.

Mr. Secretary brought down a Declaration, signed *Benjamin Chadwell* and *Martin Martell*, taken before the Lieutenant Governour and Council, giving an account of their being taken by *Phillips* and *Nutt* a Pirate Sloop. And that his Honour the Lieutenant Governour had by and with the Advice of the Council, Ordered a Supply of Men for His Majesty's Ship Sea-Horse Capt. *Thomas Durell* Commander, and a Sloop to be fitted out and Equipped and Mann'd with 60 Men, who is gone with Capt. *Durell* in Quest of the said Pirate; That his Honour had also expressed Advice of the said Pirates being on the Coast, to the Government of *New-York*, that so the Station Ship there might be sent out with all Expedition in order to take the said Pirate.

Post Meridiem.

A Petition of *Robert Love* late a Captive taken by the *Indian* Enemy, and returned from *Canada*, praying the Compassionate Consideration of this Court in his distressed Circumstances, and that the Sum of *l. 75 7 s. 3 d.* may be allowed out of the Publick Treasury to Mr. *Peter Schuyler* for so much he Advanced in *New-England* Money for the Petitioners Redemption, and Charges in Returning home, as by said *Schuylers* Accompt to the Petition annexed appears.

Read, and Committed to the Committee for Petitions.

Mr. Secretary brought down the following Message from His Honour, *viz.*

GENTLEMEN,

THE Forces in the East are very Sickly and in great need of good Doctors, which the small pay allowed by Law renders impracticable to obtain, and the frequent Marches to be performed in quest of the Enemy makes it reasonable and necessary that some good Encouragement be given to Doctors and Surgeons.

I must also acquaint you, That the Five Nations delaying to give us the assistance desired in our Western Frontiers, It was judged necessary to send an Officer among them recommended to Col. Schuyler to facilitate that Affair, the Return of which Negotiation I now lay before you, as also a Letter received from Governour Saltonstall, by which you'll perceive something further is to be done, if any Assistance be desired from thence, and it may not be improper to send a Commissioner thither to treat on that Head.

I would also put you in Mind, That Col. Schuyler has often insisted that some suitable Person, may be joyned with him at Albany, to assist in Managing our Affairs with the Five Nations, all which if your Time in this short Session will permit, may be worthy your Consideration.

Wm. DUMMER.

Messieurs *Elisha Cooke* Esq; and Mr. *Anthony Sanderson*, Agents for the House, their Letters, &c. as entred in the Morning. Read again.

An Accompt of *Nathaniel Norden* Esq; amounting to 35 s. for Expresses from the Eastward to His Honour the Lieutenant Governour in the Service of the Province. Read and *Resolved*, That the Sum of *Thirty Five Shillings* be allowed and paid out of the Publick Treasury to *Nathaniel Norden*, Esq; in full discharge of said Accompt. Sent up for Concurrence.

The Two following Messages coming down from the Board, a few Minutes before the Court rose the last Session; and the House having only time then to appoint a Committee to take the same under Consideration, and prepare and Report a proper Answer thereto at this Session: it was then Ordered, "That the said Messages of the "Honourable Board should not come out in the Journal, till the several Matters "and Things therein contained had been considered, and an Answer made thereto "for the putting those matters and things in a true and fair Light. [3]

The said Messages of the Honourable Board, with the Messages of the House in Answer thereto are as follows,

In Council, December, 27. 1723.

Ordered, That a Message be sent down to the Honourable House to inform them, That the Board have Concurr'd the Resolve on the Accompt of *Richard Hall* for sundrys delivered to the several Committees, amounting to the Sum of *l.40 18s. 10d.* And think it necessary on this Occasion, to observe that no Charges of that Nature, have been brought into this Court, till within a few Years; and they judge the same a grievous and unnecessary Burthen to the Publick: And therefore desire that for the Time to come no such Accompts be offer'd to be paid out of the Publick Treasury, for if they are, the Council think themselves obliged to deny their Concurrence.

J. Willard, Secr.

In the House of Representatives, Decemb. 27. 1723.

Read, and Referred to Mr. Speaker, Mr. *Dudley*, and Mr. *Lewis* to take under their Consideration, and prepare an Answer hereto in the Recess of this Court, and Report the same to the House the next Session of this Court.

Mr. Speaker from the Committee appointed the 27th of *December* past, to draw up an Answer to the Message of the Council of the same Day, made Report thereon, which was Read & Accepted, and thereupon the following Message pass'd, viz.

The House taking into Consideration, a Message of the Honourable Board, of the 27th of December past;

Ordered, That the following Message be sent up in Answer thereto:

The Message or Vote of Council is founded on an Accompt of *Richard Hall*, Amounting to *l. 40 18 s. 10 d.* And the Board thereon observe, "That no Charges "of that Nature have been brought into the Court, till within a few Years." Now for the clearing up this Imputation on the House of Representatives, as if

they had mispent the Publick Money, They think it their Duty to Declare, That while the Delegates of the Six Nations were at *Boston*, a Committee of both Houses sat several times at the said *Hall's* House to expedite Affairs then Depending; and that it was necessary for that Committee to have some Refreshment; which was part of the Charge complained of: And that the Committee for examining the Commissioners Accompts sent to *Albany*, sat several times at said *Hall's*, and had with them those Commissioners, Two of whom were Members of the Honourable Board, and made some of this Expence; so that we hope these several Members of the Council won't Deny their Concurrence to the like Expence for the future. We must further observe, That the House of Representatives had a large Committee during the Recess of the Court, to make Answer to Governour *Shute's* Memorial and Complaint, the most of which Committee lived out of *Boston*, and were necessarily detained from Home, and gave their Attendance often, and made some part of the Expence which the Council call *grievous, and an unnecessary Burden*. We humbly conceive the People whom we Represent, would not have made any Complaint if twice the Sum had been expended in this necessary Article; and we suppose the Council themselves 'ere this time are of the same mind. Upon the whole, We are of Opinion, That the Message was only sent down to Amuse and Misrepresent the House of Representatives, and to have gone out in the Print unanswered, tho' the Council will find themselves mistaken herein; And in Return to this Message, The House once more earnestly recommend to the Honourable Board, the Perusal and serious Consideration of a Vote of the House bearing Date *June 13th*, wherein we apprehend, "Several Sums are innumrated that are "both Grievous, and an unnecessary Burthen to the Publick, and therefore for "the time to come, no such, or like Sums be Ordered to be paid out of the Publick "Treasury, for if they are, the House, (and we conceive any other House of Representatives) will think themselves obliged by the Trust Reposed in them, to "Deny the allowing such Accompts when offered by the Treasurer.

Sent up by Mr. *Tay*, Capt. *Osgood*, and Mr. *Cotton*. [4]

In Council, December 27th 1723.

Mr. Treasurer Allen having towards the end of the last Session of this Court, laid before the Board a Vote of the House of Representatives, of the Twelfth of September last, in these Words:

"*Voted*, That if at any Time hereafter the Treasurer for the Time being presume "to Answer any Draughts made upon him, contrary or not conformable to the "Rules & Directions Ordained and Agreed upon in the Resolve for Supplying the "Treasury, the same be not allowed of when he shall present his Accompts to "the House; and that Mr. Treasurer *Allen* be served with an attested Copy of the "last R. solve of this Court for Supplying the Treasury, together with this Vote, "for his better Guidance and more safe Management in this Affair.

The Board design'd fully to have declared themselves thereupon at that Time,

but were prevented by the Court's Rising sooner than they expected: However they judge it would be a great neglect of their Duty to let it pass in Silence; inasmuch as they cannot without the deepest Concern, reflect upon the said Vote, and the natural Tendency thereof, it being of the most extraordinary Nature, and without Precedent in any Government whatever, That the House of Representatives (whose single Vote without the Concurrence of the Council, and Consent of the Governour, is not of Validity) should set up one of the Officers of the Court against the Governour and Council; Who are, when the General Court is not sitting, Indisputably the Government of this Province; and to make the said Officer a Judge of the Acts of the Governour and Council, and to be at Liberty to Obey or Disobey their Orders as he sees Cause. The said Vote tends to Misrepresent the Board to the People of this Province, and to all who shall Read the same, as if the Sums of Money mentioned therein, had been misapplied to other Ends and Uses than for the Service of the Province. The Sum therein mentioned to be upwards of *l.* 390 was for Payment of a Bill of Exchange drawn by the Commissioners chosen by the General Court to treat with the Five Nations of the *Maquois* at *Albany*. Who represented to the Board, that being bound into another Government, there was a Necessity they should have Credit or Liberty, to Draw Bills to Answer their necessary Charges. Who upon *May* 2d passed the following Vote: "That the Commissioners be Impowered to draw upon the Treasurer of this Province, for what may be further Necessary for the Expences on their Journey, and on said Treaty." Pursuant to which, the abovesaid Bill being presented for Payment, the Board could not but judge the Justice & Honour of this Government greatly concerned, that the said Bill should meet with prompt and punctual Payment, and themselves obliged to Order it accordingly. Now to Insinuate as if the Payment of said Bill were a Misapplication of the Publick Money, is a manifest Injury and Injustice done to the Council, and could by no means lay a foundation for such a Vote. The like to which might be said to the other Sums refer'd to.

Whereupon the Board judge themselves obliged in the most solemn manner, to protest against the said Vote, or any thing of the like Nature, as directly tending to the Subversion of the Government, and the Rights Vested in the Governour and Council, by the Royal CHARTER.

J. Willard, Secr.

In the House of Representatives, Decemb. 27th 1723.

Read, and referr'd to Mr. Speaker, Col. *Dudley* and Mr. *Lewis*, to take under their Consideration, and prepare an Answer hereto in the Recess of this Court, and Report the same to the House the next Session of this Court.

Mr. Speaker from the aforesaid Committee appointed to take under their Consideration, and prepare an Answer to a Message of the Honourable Board, sent down to the House a few Minutes before the Court was Prorogued, relating to a Vote [5] of the House of the 12th of *September*, for the better guidance and di-

rection of the Treasurer, &c. Made Report, which was Read and Accepted, and thereupon the following Message pass'd in Answer to the Message of the Board aforesaid, *viz.*

The House taking into Consideration a Message of the Honourable Board, of the 27th of December past;

Ordered, That the following Message be sent up in Answer thereto, *viz.*

That as the nature and tendency of that Message as well as the Timing of it, was very Extraordinary, so the Spirit with which it seems to have been drawn, looks as tho' it could aim at a little short of a Dissolution of the very Foundations of our happy Constitution, and to lay aside one essential part of the Legislature ev'n the Representative Body of the People; For if the Council really have such an unlimited and despotick Power over the Treasury, *ad Libitum*, to dispose of what is therein, which they seem to Challenge and Defend, they may as well take upon them to Supply the Treasury, by Rating and Taxing the Inhabitants, &c. if they apprehend it for the Service and Defence of the Province, and what not.

The Message, after repeating the Resolve of the House for the Treasurers direction tells us, "That the Honourable Board designed fully to have declared themselves thereupon at that time, but were Prevented by the Courts rising sooner than was expected. If so, it seems strange that during the Nine days continuance of that Session no time could be found for it, nor in the beginning of the *October* Session, The Board having then no Matter of Consequence, that we know of, before them, unless it were to Advise his Honour the Lieutenant Governour to Emit a Proclamation for a General Thanksgiving thro' the Province, (a thing altogether New, and never done before, that we know of, whilst the General Court was sitting) without so much as acquainting the House of Representatives therewith. And further, it looks very improbable that the Court in *September* should Rise sooner than the Board expected, when we must needs suppose, that the Board were of Advice, as is usual, to the Lieut. Governour, for Proroguing the Court to the 23d of *October*. But if it were convenient to add our Conjecture, we should rather think the genuine reason to be, Either that it was tho't that such a *protesting* Message would not obtain at a full Council, or that if it were deferred to the Close of the Session, it might come forth without an Answer from the House, and so the better serve the turn of those, who thereby designed to Amuse the People, and to provoke their Resentments against the Representatives

The Message goes on and says, "They judge it would be a great neglect of Duty in them to let the Vote of the House pass in silence." To which we say, That the Vote was justly founded upon the Determination and Resolve of the whole Court, for the Supply of the Treasury, passed in the *May* Session; and if the Honourable Board had kept within the Limits, which by their own Concurring that Resolve, they had agreed to do, there would have been no need of that Vote of the House, and so no Occasion of an Answer, whereby they might have Escaped the Last

Error, tho' it were not worse than the First. And altho' they might think themselves in Duty bound, to make Answer thereto; yet we apprehend that their doing it in such a manner, and at such a Critical Conjunction of our Affairs, has a greater tendency to encourage any that may be endeavouring our Subversion & Ruin, than to promote & advance the Peace and Prosperity of the Province. Their deep Concern in reflecting on said Vote, and the natural Tendency of it, its being Extraordinary, and having no Precedent in any Government whatsoever, as they are pleased to say, is not so much to be wondered at, when we consider, that it serves mainly to Circumscribe them within those Limits, which their own solemn Act could by no means do.

The next thing very observable is, "That the House of Representatives (whose "single Vote, they say, is not of any Validity, without the Concurrence, &c.) "should set up one of the Officers of the Court against the Governour and Council, who are, when the General Court are not sitting, indisputably the Government of the Province; and to make the said Officer Judge of the Acts of the Governour and Council; and to be at Liberty to Obey or Disobey their Orders as he "sees Cause." To which we reply, That if the single Vote of the House be of no Validity, then it could neither hurt nor obstruct the Honourable Board, in any of their Proceedings, [6] nor dis-serve nor misguide any Officer, much less can any Officer be set up thereby, against the Governour and Council, and made the Judge of their Acts, and be at Liberty to Obey or Disobey their Orders, as he sees Cause. But the plain and manifest design of that Vote must be Construed to be a Direction to that Officer to comport with his Duty, and to do nothing inconsistent with the solemn Acts of the whole Court, which were made for that purpose, that he and all others concerned, might be kept within their own Sphere. Neither would we be tho't in any wise to encourage any Officer or other Person whatever, in any Acts of Disobedience to our Rulers. But we presume that if a Person in Authority should Require or Command any thing Unjust in itself, or contrary to Law, it would be no allowable excuse for an Officer to say he had an Order for it. And as to the other matter in that Paragraph, "That the Governour and Council, when "the General Court is not sitting, are indisputably the Government of the Province"; altho' the Vote of the House makes no mention of that Point, nor how far their Power extends, yet doubtless it may be affirmed, that there are many Acts of Government which they cannot do, and to misapply and draw out of the Treasury, any Sums of Money, contrary to the Resolve of the whole Court, must needs be One.

The next thing remarkable in the Message is, "That the said Vote tends to mis-represent the Board to the People of the Province, and to all who shall Read the "same, as if the Sums of Money therein mentioned, had been misapplied to other "Ends and Uses, than for the Service of the Province." Which seems to be founded on a manifest Mistake, as if no Money could be misapply'd that was paid

for the Service of the Province. Whereas it is very evident, That if a Sum of Money be appropriated to this or that peculiar Service and no other, to take that Money to Discharge another Accompt, or make use of it otherwise or contrary to what it is devoted and set apart for, is a plain misapplication of it. And when it is observed, it can by no means be called a Misrepresentation of those who do so, but a just and fair Representation of them and a setting the Case in a true Light.

As to the following part of said Message which refers to a Sum upwards of *l.* 390 for Payment of a Bill of Exchange drawn on the Treasurer, founded on a Vote of Council, *May* 2d, there recited, &c. We must say, That it is a matter of Astonishment to us, that any Man should plead for, or pretend to justify that matter under it's Circumstances, and much more that the Honourable Board should appear to defend it; Especially if we reflect upon the former part of their Message, which seems plainly to Contradict this latter; There they assert, "That the single Vote of the House, (which is but one part of the Court,) without the Concurrence of the Board, (another part,) and Consent of the Governour, to be of no Validity." Here they say, "They could not but judge the Justice and Honour of the Government greatly concerned, that the said Bill should be punctually paid, and themselves obliged to Order the Payment of it;" being Drawn pursuant to a Vote of Council only; which can be said to be no more than one part of the General Court: And if the Justice and Honour of the Government was greatly Concerned in it, that can be no Excuse in this Affair, for that the House of Representatives are, and we trust always will be, as much concerned to do Justice, and Support the Honour of the Government, as the Honourable Board are or can be. Moreover it might be observed, That this was done when the General Court was sitting, and even when the Accompts of those very Commissioners were under the Consideration of a Committee of the House, in order to their being passed upon, (and before the said Bill was presented for Payment.)

There is one thing more which seems to be of the most extraordinary nature, and as we apprehend without Precedent in any Government whatsoever, That they should give those Gentlemen the Power, which by the Royal CHARTER is vested only in the Governour or Commander in Chief, with the Advice and Consent of the Council; *i. e.* To draw Money out of the Treasury, and that too without any Restraint or Limitation, if they tho't it necessary, &c. So that if they had Drawn for *One or Ten Thousand Pounds*, the Council must have tho't themselves obliged to Order the Payment of it. [7]

Upon the whole, It seems very evident, That the House had very good reason to induce them to make such a Vote, and that there was no injury or injustice done the Council thereby, and that the Drawing Money out of the Treasury, for the Payment of that, and some other Sums of Money, (more gently touch'd on by the Message) was Irregular, and not agreeable to the fair Treatment which the

House always expected and desired. Wherefore the House are of Opinion, That the Honourable Board had no just Grounds or Obligations on them to make such a solemn Protest against said Vote as directly tending to the Subversion of the Government, and the Rights vested in the Governour and Council by the Royal CHARTER, but that what was done by the House aimed at, and had a direct tendency to promote the Welfare of the People, and was very agreeable to the trust reposed in them by those whom they Represent.

Sent up by Mr. *Tay*, Capt. *Osgood*, and Mr. *Cotton*.

Then the House Adjourn'd till to Morrow Morning Nine a Clock.

Jobis Die 23. Aprilis, A. D. 1724.

MR. Secretary *Willard* brought down two Petitions of several of the Inhabitants of the East Precinct in *Sudbury*, with sundry other Papers respecting the placing the Meeting-House there; with the following Vote of Council, *viz.* In Council, *April 22d.* 1724. Upon Reading the Petition of *John Woodward*, and Forty-six others, Inhabitants of the East Precinct in *Sudbury*, together with the Petition of *William Jennison*, and others, a Committee appointed to remove the Meeting-House in the said Precinct; and upon Consideration of the Dissatisfaction of the said Inhabitants for the placing the Meeting-House on the Land of *James Ross*, and the Difficulty of obtaining the Land of the said *Ross*, as represented in the said Petition. Ordered, That *Jonathan Dowse*, *Samuel Thaxter*, Esqrs; and the Secretary, with such as shall be appointed by the Honourable House of Representatives be a Committee once more to view the several Places proposed, or that may be proposed for the Meeting-House in the said East Precinct of *Sudbury*; and that they report early in the Session of this Court in *May* next, where the said Meeting-House may be placed most commodiously for the Inhabitants of the said East Precinct.

Sent down for Concurrence.

Read and Concurr'd, and Ordered, That *William Dudley* Esq; Mr. *Edward White*, and *Jonathan Remington* Esq; be joyned with the Gentlemen of the Council in the Affair, and that the Charge of the Committee be born by the Town of *Sudbury*. Sent up for Concurrence.

Resolved, That the Treasurer be directed to Advance & Pay out of the Publick Treasury for the Sloop Hire of the Sloop lately taken up in the Service of this Province in quest of the Pirate, on her return from her Cruise after the Rate of *Twenty-five Pounds per Month*, to the Master of the said Sloop after the Rate of *Five Pounds per Month*, to the Mate after the Rate of *Four Pounds per Month*, and to the Sailors after the Rate of *Three Pounds per Month*.

Sent up for Concurrence.

Voted, That His Honour the Lieutenant Governour be desired to give Orders to

the Treasurer to agree as reasonably as he can with such Doctors or Surgeons, as may be thought necessary for the Use and Service of the Forces Eastward.

Sent up for Concurrence.

Voted, That *Jonathan Remington & John Quincey*, Esqrs; carry up the Letters, &c. lately received from the Agents of the House, for the perusal of the Honourable Board.

Post Meridiem.

Jonathan Dowse Esq; brought down the Resolve sent up this Morning about the Wages &c. of the Sloop taken up in the Service of the Province, in quest of the Pirate Sloop on the Coast. Pass'd in Council, *viz.* In Council, *April 23. 1724.* Read & Concurr'd with this Amendment, *viz.* *Together with Victualling and other necessary Charges for the said Service.* Sent down for Concurrence.

Read and Concurr'd. [8]

An Accompt signed *Joseph Marion*, Amounting to *l. 11 8 s. 6 d.* for Writing in the Service of this Government. Read & Committed to the Committee for Petitions.

Col. *Dudley* from the Committee for Petitions, Reported on the Petition of *Robert Love* as Entred Yesterday, *viz.* The Committee are of Opinion that the Petition be dismiss'd. Read & Accepted, and *Voted*, That the Petition be dismiss'd.

A Petition of Mr. Sheriff *Winslow*, setting forth, That for Six or Seven Years past he has been directed by Orders and Warrants from the Governour and Council for Impressing Men for Manning His Majesty's Ships of War Stationed here, and other Vessels for His Majesty's Service on special Occasions, Praying he may have such Allowance for his said Service as to this Court shall seem meet.

Read, and the Question was put, *Whether some Allowance should be made to the Petitioner for said Service?* Resolved in the Affirmative; and committed to the Committee for Petitions to Consider of this Petition, and make Report what may be reasonable to allow the Petitioner for his said Service.

Mr. Secretary brought down an Additional Instruction from their Excellencies the late Lords Justices, respecting the passing of Private Acts; which His Honour thought proper to Communicate. Read.

A Message from the Board by *John Appleton* Esq; That there is no business now lying at the Board, and that they desire the House would expedite what is before them, that the Court may rise as soon as possible.

Ordered, That Col. *Buckminster* go up to the Honourable Board to desire they would send down the Letters, &c. of the Agents of the House, if the Board have perused them.

Edward Bromfield Esq; brought down the said Letters, &c.

Ordered, That Mr. *Lewis* & Mr. *Choate* go up to His Honour and the Honourable Board, to inform them, That the House have nothing of business lying before them, and desire the Court may rise to Night, if His Honour pleases.

Voted, That all Matters and Things which have been presented to this Session and not pass'd upon be referred to the next Session of this Court.

Mr. *Hasting's* Accompt, &c. referred to *May* Session.

A Message from His Honour the Lieutenant Governour by Mr. Secretary, Mr. Speaker, His Honour the Lieut. Governour directs this Honourable House to Attend him in the Council Chamber forthwith. Mr. Speaker and the House went up accordingly, and Mr. Secretary said, That it was the pleasure of His Honour the Lieutenant Governour, That this Great and General Court or Assembly be Dissolved. And then Mr. Secretary declared, That the said Great and General Court or Assembly were Dissolved accordingly, and the Members were discharged from Attending any further Service.

E R R A T U M, Pag. 1. Line 6. *for* against *them*, Read, against *the House*.

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